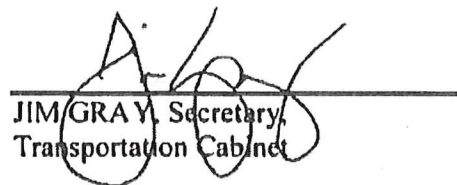


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STATEMENT OF EMERGENCY  
601 KAR 2:233E

This emergency administrative regulation is being promulgated in order to establish the guidelines and requirements for the implementation and use of ignition interlock devices pursuant to the requirements of Senate Bill 85 from the 2019 Regular Session of the General Assembly, which went into effect on July 1, 2020. Due to multiple comments by stakeholders, the agency decided to create a new emergency regulation in order to clarify specifics with regards to Senate Bill 85. It is filed to address the risk to the public health, safety, or welfare associated with driving under the influence and to protect human health. Because the requirements of Senate Bill 85 from the 2019 Regular Session of the General Assembly went into effect on July 1, 2020, an ordinary administrative regulation was not sufficient to meet the pending deadline for promulgation of an administrative regulation. This new emergency administrative regulation incorporates the requirements of Senate Bill 85 from the 2019 Regular Session of the General Assembly, including updated payment of fee requirements, forms, procedures for appeal, requirements of manufacturers seeking certification to participate in the Kentucky Ignition Interlock Program (KIIP), and shifts the KIIP from administration through the courts and to the cabinet. This emergency administrative regulation will be replaced by an ordinary administrative regulation, and the companion ordinary administrative regulation is identical to this emergency regulation.

  
ANDY BESHEAR, Governor

  
JIM GRAY, Secretary,  
Transportation Cabinet

1   TRANSPORTATION CABINET

2   Department of Vehicle Regulation

3   Division of Driver Licensing

4   (New Emergency Administrative Regulation)

5   601 KAR 2:233E. Kentucky Ignition Interlock Program; participants and device providers.

6           RELATES TO: KRS Chapter 45A, 186.010, 186.050, 186.180, 186.480, 186.531, 186.560,  
7   186.570, 189A.005, 189A.010, 189A.040, 189A.045, 189A.070, 189A.085, 189A.090, 189A.103,  
8   189A.105, 189A.107, 189A.200, 189A.220, 189A.240, 189A.250, 189A.340, 189A.345,  
9   189A.350, 189A.370, 189A.380, 189A.400, 205.712, 18 U.S.C. 2721

10          STATUTORY AUTHORITY: KRS 189A.350

11          NECESSITY, FUNCTION, AND CONFORMITY: KRS 189A.350 requires the  
12   Transportation Cabinet to promulgate administrative regulations to carry out provisions regarding  
13   the implementation of the Commonwealth's ignition interlock program for motor vehicle drivers  
14   who violate KRS 189A.010 or 189A.090. This administrative regulation establishes the duties and  
15   responsibilities of ignition interlock device providers wishing to enter into an agreement with the  
16   Commonwealth of Kentucky and the Transportation Cabinet for the administration and  
17   implementation of the ignition interlock device program and further establishes requirements for  
18   certifying ignition interlock devices under this program. This administrative regulation also  
19   establishes the requirements for an applicant with a violation of KRS 189A.010 or 189A.090 to  
20   obtain an ignition interlock device and license and has the potential benefit of shortening a

1 suspension period if a participant does not have a device violation.

2 Section 1. Definitions. (1) "Applicant" means a person applying for an ignition interlock  
3 license.

4 (2) "Cabinet" is defined by KRS 189A.005(2).

5 (3) "Calibration" means the process that ensures an accurate alcohol concentration reading  
6 is being obtained on the ignition interlock device.

7 (4) "Certification" means the approval process required by the Commonwealth of  
8 Kentucky for ignition interlock devices and device providers prior to operating within the state.

9 (5) "Compliance-based review" means the review by the Transportation Cabinet of:

10 (a) The length of time that a person's license to operate a motor vehicle or motorcycle is  
11 suspended as established in KRS 189A.070; and

12 (b) That participant's compliance with the requirements established in KRS 189A.340.

13 (6) "Compliance period" means the length of time that a person's license to operate a motor  
14 vehicle or motorcycle is suspended as established in KRS 189A.070, 189A.340, and this  
15 administrative regulation.

16 (7) "Department" means the Department of Vehicle Regulation in the Kentucky  
17 Transportation Cabinet.

18 (8) "Ignition interlock certificate of installation" or "certificate of installation" is defined  
19 by KRS 189A.005(4).

20 (9) "Ignition interlock device" or "device" is defined by KRS 189A.005(3).

21 (10) "Ignition interlock device provider" or "device provider" is defined by KRS  
22 189A.005(5).

1           (11) "Ignition interlock incentive period" or "incentive period" means the period of time  
2 as established by KRS 189A.340(4)(b)2 during which an ignition interlock provider certifies that  
3 no violations have occurred and is prior to the date by which the cabinet removes the ignition  
4 interlock restriction from a person's license.

5           (12) "Ignition interlock license" is defined by KRS 189A.005(6).

6           (13) "KIIP" means Kentucky Ignition Interlock Program.

7           (14) "License" is defined by KRS 189A.005(7).

8           (15) "Lockout" means a condition in which the device will not accept a breath test causing  
9 the ignition interlock device to prevent a motor vehicle's engine from starting.

10          (16) "Manufacturer" means an entity responsible for the design, development, production,  
11 and repair of the ignition interlock device.

12          (17) "Medical accommodation" means that a device has been adjusted to detect the breath  
13 alcohol level of participants who have a medically documented condition of diminished lung  
14 capacity requiring a reduced air sample.

15          (18) "Month" means calendar month.

16          (19) "Motor vehicle" is defined by KRS 186.010(4) and includes "motorcycle," which is  
17 defined by KRS 186.010(15).

18          (20) "NHTSA" means the National Highway Traffic Safety Administration.

19          (21) "Participant" means a person who has applied and been approved to participate in  
20 KIIP.

21          (22) "Provider representative" means a device provider employee who provides oversight  
22 of the provider's ignition interlock operations within the Commonwealth of Kentucky.

23          (23) "Retesting" means an additional opportunity to provide a breath sample.

1 (24) "RFQ" means a request for qualifications pursuant to KRS Chapter 45A.

2 (25) "Service call" means an on-site remote service of an ignition interlock device, outside  
3 of a fixed facility, including for example:

4 (a) Diagnostic trouble shooting;

5 (b) Repair or replacement of a malfunctioning device; or

6 (c) Removal of a device from an inoperable vehicle.

7 (26) "Service facility" means the physical location contracted by the ignition interlock  
8 device provider where the service provider's technicians install, calibrate, or remove ignition  
9 interlock devices.

10 (27) "Service facility inspection" means the process for determining that a service facility  
11 and the service facility's technicians are qualified and approved to provide ignition interlock  
12 services within the Commonwealth of Kentucky.

13 (28) "Service provider" means an entity that has contracted with an ignition interlock  
14 device provider to provide mechanical services related to an ignition interlock device at a service  
15 facility.

16 (28) "Tampering" means acting with the intent to render the ignition interlock device  
17 defective as established by KRS 189A.340 and 189A.345.

18 (30) "Technician" means a service provider employee or contractor who installs, calibrates,  
19 and removes ignition interlock devices within the Commonwealth of Kentucky.

20 Section 2. Ignition Interlock License. (1) The requirements established in this  
21 administrative regulation shall not be applied retroactively.

22 (2)(a) Anyone seeking an ignition interlock license pursuant to KRS Chapter 189A shall  
23 apply to the cabinet using the Kentucky Ignition Interlock Program Application, TC 94-175.

1 (b) At the time of application, the applicant shall present proof of insurance and valid  
2 vehicle registration.

3 (c) Upon approving an applicant for participation in the Kentucky Ignition Interlock  
4 Program, the cabinet shall notify the applicant in writing that the applicant has been approved to  
5 participate in KIIP.

6 (3)(a)1. The cabinet shall determine if an applicant is eligible for reduced payments  
7 pursuant to this administrative regulation, KRS 189A.340, and KRS 189A.350. An applicant found  
8 eligible for reduced payments shall pay a proportionate amount of the fees based upon the federal  
9 poverty guidelines, as established in KRS 189A.340.

10 2. A device and service provider shall accept the fees determined by the cabinet, as  
11 established in paragraph (a) of this subsection, and paid by an applicant or participant as payment  
12 in full pursuant to KRS 189A.340(7).

13 3. The applicant or participant shall remit the fees directly to the device provider as  
14 established in KRS 189A.340(7) and the RFQ.

15 4. A device provider shall not prohibit the pre-payment of fees for the device and services.

16 5. The device provider may pursue collection of amounts in arrears, not in excess of any  
17 indigency calculations, and recovery of the devices, if applicable. Collection and recovery shall be  
18 through separate legal action.

19 (b)1. An applicant requesting reduced payment shall file concurrently with the Kentucky  
20 Ignition Interlock Program Application, TC 94-175, a completed Kentucky Ignition Interlock  
21 Program Affordability Application, TC 94-188. An applicant filing a Kentucky Ignition Interlock  
22 Program Affordability Application, TC 94-188, shall submit federal tax returns, paychecks, W-  
23 2's, or 1099's as part of his or her application.

1           2. The reduced payment rate shall not extend past the maximum suspension pursuant to  
2   KRS 189A.070.

3           3. The applicant or participant's reduced payment eligibility shall be determined annually.

4           4. The applicant may re-submit the Kentucky Ignition Interlock Program Affordability  
5   Application, TC 94-188, for recalculation by the cabinet.

6           (4) A pre-existing out-of-state or in-state suspension for the offenses listed in KRS 186.560,  
7   186.570, or 205.712 shall result in the applicant's ineligibility to obtain an ignition interlock  
8   license.

9           (5) An applicant seeking a medical accommodation due to diminished lung capacity shall  
10   submit with the Kentucky Ignition Interlock Program Application, TC 94-175, a completed Breath  
11   Alcohol Ignition Interlock Physician Statement, TC 94-176.

12          (6) The cabinet shall issue to the applicant, notice of his or her eligibility or ineligibility  
13   for an ignition interlock license based on if:

14          (a) His or her current driving history record conforms to the eligibility requirements  
15   established in KRS Chapter 189A; and

16          (b) He or she is not ineligible pursuant to KRS 186.560, 186.570, or 205.712.

17          (7) The cabinet shall issue an ignition interlock license after device installation for the  
18   period established pursuant to KRS Chapter 189A.

19          (8) An applicant eligible for device installation shall select and contact a certified device  
20   provider of his or her choice from the list maintained on the cabinet's Web site at  
21   [https://drive.ky.gov/driver-licensing/Pages/Ignition-Interlock-Program.aspx#certified-ignition-](https://drive.ky.gov/driver-licensing/Pages/Ignition-Interlock-Program.aspx#certified-ignition-interlock-providers)  
22   interlock-providers.

1 (9) A technician designated by the device provider shall install a certified ignition interlock  
2 device on the applicant's vehicle upon receipt of the letter of eligibility issued by the cabinet.

3 (10) An applicant approved by the cabinet to participate in KIIP based on the criteria  
4 established in this section and determined by the cabinet to be eligible for an ignition interlock  
5 device based on the criteria established in this section shall be required to install an ignition  
6 interlock device on at least one (1) primary motor vehicle registered and titled in his or her name  
7 or another's motor vehicle with express notarized, written consent of the owner authorizing  
8 installation of the device.

9 (11) An applicant or participant may have devices installed on multiple motor vehicles.

10 (12)(a) An applicant approved by the cabinet to participate in KIIP pursuant to subsection  
11 (10) and this administrative regulation shall pay the applicable fee for installation of the ignition  
12 interlock device.

13 (b) Upon an applicant's payment of the applicable fee for installation and subject to any  
14 requirements established in KRS 189A.090, 189A.107, 189A.200, 189A.340(8), and 189A.345,  
15 the service provider's technician shall install the device and issue to the applicant an Ignition  
16 Interlock Certificate of Installation, TC 94-194.

17 (13) Before an ignition interlock license is issued, an approved applicant to participate in  
18 KIIP, as established in this section of this administrative regulation, and eligible for an ignition  
19 interlock license pursuant to this section of this administrative regulation and KRS Chapter 189A  
20 shall:

21 (a) Present the Ignition Interlock Certificate of Installation, TC 94-194, to a department  
22 regional field office electronically, via USPS, or in person; and



1 (b) Pay the reinstatement fee pursuant to KRS 186.531(9). The license shall display an  
2 ignition interlock device restriction.

3 (14) Upon issuance of an ignition interlock license, a participant shall begin to receive day-  
4 for-day credit toward the license suspension period pursuant to KRS 189A.070 and the ignition  
5 interlock license incentive period pursuant to KRS 189A.340.

6 (15) After ten (10) days' written notice to the participant, the device provider shall notify  
7 the cabinet of nonpayment of fees on an account that is in arrears for thirty (30) days or more.

8 (16) Subject to recalculation of day-for-day credit, as established in Section 9 of this  
9 administrative regulation, a participant may voluntarily have the device removed and reinstalled  
10 onto a different motor vehicle pursuant to subsection (12) of this section and upon payment of the  
11 appropriate fees to the device provider.

12 (17) A participant shall have the device removed by an approved service provider and  
13 technician designated by the device provider upon completion of the ignition interlock incentive  
14 period established by KRS 189A.070.

15 (18)(a) Upon removal of the device, the service provider shall retain for their records and  
16 provide to the cabinet and the participant a Certificate of Removal for Ignition Interlock Device,  
17 TC 94-178. The Certificate of Removal for Ignition Interlock Device, TC 94-178, shall be  
18 submitted to the cabinet within twenty-four (24) hours electronically or no later than seventy-two  
19 (72) hours by mail or fax.

20 (b) Upon notice that the device has been removed pursuant to subsection (17) of this section  
21 or upon expiration of the maximum duration of the participant's suspension under KRS 189A.070,  
22 the cabinet shall update the participant's driver history record authorizing the regional field offices  
23 to issue the participant a new license without the ignition interlock restriction.

1 (19) A participant not participating in the KIIP and with a license suspension period  
2 exceeding twelve (12) months shall be subject to retesting requirements prior to the issuance of a  
3 new license pursuant to KRS 186.480.

4 (20)(a) Unless the person is under eighteen (18) years of age, the Transportation Cabinet  
5 shall, pursuant to KRS 189A.070, suspend the driving privileges of a person convicted of an  
6 offense established in KRS 189A.010.

7 (b) As established by KRS 189A.070(1)(b), a person who is under eighteen (18) years of  
8 age whose license is suspended pursuant to KRS 189A.070(1)(b) shall be eligible for an ignition  
9 interlock license pursuant to KRS Chapter 189A, but that person shall not be eligible for any  
10 incentive period.

11 Section 3. General Requirements for Ignition Interlock Device Providers. (1) The cabinet  
12 shall certify ignition interlock device providers for two (2) years utilizing the provisions of KRS  
13 Chapter 45A and the terms of the RFQ. Application for new applicants and continuing certification  
14 renewals shall open on October 1 in the year prior to expiration.

15 (2) Ignition interlock device providers certified pursuant to this administrative regulation  
16 shall obtain re-certification in compliance with this administrative regulation prior to providing  
17 devices or services.

18 (3) An ignition interlock device provider seeking certification to provide devices or  
19 services within the Commonwealth shall comply with the requirements of solicitation issued by  
20 the cabinet as established in subsection (1) of this section. Non-compliance shall result in a denial  
21 of certification.

1 (4) An ignition interlock device provider may subcontract with a person, firm, LLC, or  
2 corporation to provide a device or services if that device is specifically included in the original  
3 certification request and is specifically certified by the cabinet pursuant to KRS 189A.350.

4 (5) An ignition interlock device provider shall provide a representative who shall be  
5 assigned to work specifically with the KIIP pursuant to the terms of the RFQ.

6 (6) An ignition interlock device provider or service provider shall provide information and  
7 training for the operation and maintenance of the device to the participant and other individuals  
8 operating a vehicle equipped with a device.

9 (7)(a) A device shall only be removed by the device provider or a service provider  
10 contracted with the device provider except if:

11 1. An agreement is in place between device providers; or

12 2. The purpose of replacing a participant's device due to the initial device provider's  
13 insolvency or business interruption.

14 (b) In the case of a device provider's insolvency or business interruption, the original  
15 device provider shall bear the costs associated with the removal of the existing device and  
16 installation of the new device.

17 (8)(a) A device provider shall notify the cabinet within fifteen (15) days of a suspension,  
18 revocation, or disciplinary action taken against the device provider by a jurisdiction within or  
19 outside the Commonwealth. This notification shall include the reason for the disciplinary action  
20 and other information as the Kentucky Transportation Cabinet may, pursuant to this administrative  
21 regulation, reasonably request. This requirement applies regardless of the existence of an appeal.

22 (b) Notice shall include a copy of the official correspondence or pleading establishing the  
23 reason for the pending action and shall be provided to the cabinet regardless of the existence of an

1 appeal. Pursuant to this administrative regulation and KRS Chapter 189A, the cabinet may request  
2 other information at any time and the provider shall provide the information if it is reasonably  
3 available.

4 (9) The records required by Section 4(3)(g) of this administrative regulation shall be  
5 retained by an ignition interlock device provider for at least five (5) years from the date the device  
6 is removed from the participant's vehicle. The records shall be disposed of in a manner compliant  
7 with relevant privacy laws and Section 4(3)(g) of this administrative regulation.

8 Section 4. Certification of Ignition Interlock Devices, Device Providers, and Service  
9 Providers. (1) The Transportation Cabinet shall issue an RFQ to device providers in order to certify  
10 providers eligible to provide ignition interlock services and commodities required for the  
11 implementation and maintenance of the state's ignition interlock program.

12 (2) An ignition interlock device provider requesting certification of an ignition interlock  
13 device shall submit:

14 (a) An affidavit that the ignition interlock device complies with specifications and  
15 certification requirements established in the RFQ;

16 (b) Documentation for each model from either an ISO 17025 accredited, independent  
17 testing laboratory or the NHTSA testing laboratory that the ignition interlock device meets or  
18 exceeds NHTSA model specifications; and

19 (c) Documentation that each ignition interlock device installed shall be equipped with a  
20 functional camera that documents the date, time, and photograph of all persons providing breath  
21 samples to the ignition interlock device.

22 (3) An ignition interlock device provider requesting certification pursuant to subsection (1)  
23 of this section shall:

1 (a) Submit:

2 1. Evidence that demonstrates successful experience in the development and maintenance  
3 of an ignition interlock service program, such as, for example, a resume, evaluation, or letter of  
4 recommendation; and

5 2. A list of jurisdictions served by the device provider;

6 (b) Provide a description of the training required, including its frequency, for persons  
7 employed by, contracted with, or permitted by the device provider to install, calibrate, remove,  
8 and provide continuing support for participants and the devices;

9 (c) Provide a plan that includes a location map describing the areas and locations of the  
10 device provider's proposed fixed installation and service facilities. The plan shall include at least  
11 one (1) fixed facility in each of the twelve (12) highway districts;

12 (d) Agree to the random or designated selection process to require coverage in underserved  
13 areas as established in the RFQ;

14 (e) Agree to initial service facility inspections, continuing random inspections, and annual  
15 inspections of each service facility by the cabinet or its designee. The device provider shall also  
16 agree to provide notice to the cabinet or its designee of the opening of new service facilities to  
17 permit the inspection of the facility within thirty (30) days of opening;

18 (f) Comply with all local business license and zoning regulations, and with all federal, state,  
19 and local health, fire, and building code requirements. The official valid business license and tax  
20 document shall be posted in a conspicuous place at the service facility immediately upon receipt,  
21 if applicable;

1 (g) Provide a plan for the receipt, maintenance, and destruction or return of participant's  
2 records consistent with court rules and the confidential maintenance of participant's records as  
3 required by the Driver's Privacy Protection Act, 18 U.S.C. 2721 and other applicable statutes;

4 (h) Provide proof of insurance covering the liability related to the manufacture, operation,  
5 installation, service, calibration, and removal of the devices with policy limits as established in the  
6 RFQ. The device provider's liability insurance shall be expressly considered primary in the policy;

7 (i) Designate a device provider representative authorized to speak on behalf of and bind  
8 the device provider and designated to work with the cabinet, the courts, and other agencies in the  
9 administration of the ignition interlock program;

10 (j) Maintain a toll-free twenty-four (24) hour emergency phone service that shall be used  
11 by participants to request assistance in the event of operational problems related to the device and  
12 that shall include technical assistance and aid in obtaining a roadside service call if needed;

13 (k) Demonstrate the ability to maintain sufficient, secure computer hardware and software  
14 compatible with the cabinet and court requirements to record, compile, and transmit data and  
15 information requested by the cabinet and the Administrative Office of the Courts;

16 (l) Agree to provide expert or other required testimony in any administrative, civil, or  
17 criminal proceedings pursuant to this administrative regulation and KRS Chapters 186 and 189A;

18 (m) Provide a complete list of any contractual fees that the participant may be required or  
19 requested to pay; and

20 (n) Adhere to the device settings as stated in the RFQ.

21 (4) A device provider shall, pursuant to KRS 189A.350(4)(f), notify the cabinet within  
22 seven (7) days of servicing an ignition interlock device of discovery of a participant's failure, if  
23 applicable, to comply with KRS 189A.340(4)(b)2. or 189A.345.

1           (5) Each device provider shall give the cabinet access to independently review the interlock  
2 user's activity including images.

3           (6) Pursuant to KRS 189A.070 or 189A.340, a device provider shall send the cabinet  
4 notification that the participant has been violation-free for the required compliance period as  
5 established in KRS 189A.340.

6           (a) For a participant who has incurred a first DUI offense within a ten (10) year period, the  
7 device provider shall send the cabinet notification that the participant has been violation-free  
8 within the first ninety (90) consecutive days of the required compliance period.

9           (b) For a participant who has incurred any subsequent DUI offenses within a ten (10) year  
10 period, the provider shall send the cabinet notification that the participant has been violation-free  
11 within the first one hundred twenty (120) consecutive days of the required compliance period.

12           (c) The compliance period shall begin either ninety (90) days prior to the conclusion of the  
13 identified incentive period if a participant has incurred a first DUI offense within a ten (10) year  
14 period or one hundred twenty (120) days prior to conclusion of the identified incentive period if a  
15 participant has incurred any subsequent DUI offenses within a ten (10) year period.

16           (d)(i) Violations of the ninety (90) or one hundred twenty (120) consecutive day  
17 requirement shall be as established in KRS 189A.340(4)(b)2.b.

18           (ii) Violations that constitute a misdemeanor offense shall be established in KRS  
19 189A.345.

20           (7) Consistent with and pursuant to the process established in the RFQ, a device provider  
21 shall provide either an interlock code or bypass capability to automobile mechanics, thereby  
22 causing the interlock device to be disabled during vehicle repair and maintenance.

1           (8) A device provider shall indemnify and hold harmless any unit of the Commonwealth  
2 or local government or Commonwealth or local government employees, public officers, or agents  
3 from all claims, demands, or actions as a result of damages or injury to persons or property,  
4 including death, that arise directly or indirectly out of the installation, omission, failure of  
5 installation, servicing, calibrating, or removal of an ignition interlock device. If the device  
6 provider's report of ignition interlock activities contains a verified error, the cabinet, department,  
7 or cabinet or department employees or agents shall be indemnified relevant to the error.

8           Section 5. Installation, Operation, Calibration, and Removal of Devices. (1) An ignition  
9 interlock device shall be installed by or under the direction and supervision of a device provider  
10 in conformance with procedures of the device provider.

11           (2) Prior to installing the device, the provider shall obtain and retain copies from the  
12 participant of:

13           (a) Photo identification;

14           (b) The vehicle registration or title containing the VIN of the motor vehicle designated as  
15 primary by the participant and the name or names of the operators of the motor vehicle; and

16           (c) Consent of the participant or registered owner to install the device.

17           (3)(a) The device shall be inspected or calibrated by a technician designated by the device  
18 provider within thirty (30) days of installation and every sixty (60) days thereafter.

19           (b) A participant shall have the option to service the device at thirty (30) day intervals  
20 following the initial calibration.

21           (4) A service provider and technician shall use the calibration units approved by NHTSA,  
22 incorporated by reference, that is available on the list of Conforming Products List of Calibrating



1 Units for Breath Alcohol Testers at [http://www.transportation.gov/odapc/conforming-product-list-](http://www.transportation.gov/odapc/conforming-product-list-calibrating-units-breath-alcohol-testers)  
2 [calibrating-units-breath-alcohol-testers](http://www.transportation.gov/odapc/conforming-product-list-calibrating-units-breath-alcohol-testers).

3 (5) An ignition interlock device provider shall ensure that technicians installing the device:

4 (a) Inspect, calibrate, or replace devices with a newly calibrated device at each inspection  
5 as required;

6 (b) Retrieve data from ignition interlock device data logs for the previous period and send  
7 the information to the appropriate authority, as established in KRS 189A.350(4)(f), within seven  
8 (7) days of discovery;

9 (c) Record the odometer reading at installation and at service appointments;

10 (d) Inspect devices and wiring for signs of tampering, record suspected violations, and  
11 transmit violation reports pursuant to this administrative regulation; and

12 (e) Conform to other calibration requirements established by the device provider.

13 (6) If a participant fails to have the device inspected or recalibrated as required by  
14 subsection (3)(a) of this section, the ignition interlock device shall be programmed to enter into a  
15 lockout condition, at which time the vehicle shall be required to be returned to the service provider.

16 (7) The participant shall be responsible for costs related to a service call unless the ignition  
17 interlock device failed through no fault of the participant, in which case the device provider shall  
18 be responsible for the applicable costs.

19 (8) Within ninety-six (96) hours of receipt of written notice issued by the cabinet directing  
20 removal of the device, a device provider shall, pursuant to this administrative regulation, notify  
21 the participant that he or she shall return the vehicle with the installed device for removal.

22 (9) If an ignition interlock device is removed for any reason, components of the motor  
23 vehicle altered by the installation of the device shall be restored to pre-installed conditions.

1           (10) The cabinet shall:

2           (a) Maintain a rotating list of certified ignition interlock device providers and approved

3 facilities available at [https://drive.ky.gov/driver-licensing/Pages/Ignition-Interlock-](https://drive.ky.gov/driver-licensing/Pages/Ignition-Interlock-Program.aspx#certified-ignition-interlock-providers)

4 [Program.aspx#certified-ignition-interlock-providers](https://drive.ky.gov/driver-licensing/Pages/Ignition-Interlock-Program.aspx#certified-ignition-interlock-providers);

5           (b) Maintain a Kentucky Ignition Interlock Application, TC 94-175;

6           (c) Make available a uniform Ignition Interlock Certificate of Installation, TC 94-194, to

7 be printed and distributed by device providers to their approved service providers and technicians

8 documenting successful ignition interlock device installation;

9           (d) Issue an ignition interlock license to participants upon receipt of a completed Ignition

10 Interlock Certificate of Installation, TC 94-194, and in compliance with the requirements of this

11 administrative regulation. The license shall have an in-force status and indicate that it is an ignition

12 interlock license by displaying a restriction code for an ignition interlock device;

13           (e) Make available a uniform Certificate of Removal for Ignition Interlock Device, TC 94-

14 178, to be printed and distributed by device providers to their approved service providers and

15 technicians documenting successful ignition interlock device removal; and

16           (f) As established in Section 2(18)(b) of this administrative regulation, remove the

17 restriction code on the participant's driving record following receipt and review of the Certificate

18 of Removal for Ignition Interlock Device, TC 94-178.

19           Section 6. Device Provider Suspension, Revocation, Voluntary Service Provider Closure,

20 or Financial Insolvency.

21           (1) The cabinet shall indefinitely suspend or revoke certification of an ignition interlock

22 device provider or individual service provider contracted by the device provider if:

1 (a) A device in use by that device provider and previously certified by the cabinet is  
2 discontinued by the manufacturer or device provider;

3 (b) The device provider's liability insurance is terminated or cancelled;

4 (c) The device provider makes materially false or inaccurate information relating to a  
5 device's performance standards;

6 (d) There are defects in design, materials, or workmanship causing repeated failures of a  
7 device;

8 (e) A device provider fails to fully correct an identified service facility deficiency within  
9 thirty (30) days after having been notified by the cabinet or its designee to do so;

10 (f) A service provider impedes, interrupts, disrupts, or negatively impacts an investigation  
11 or inspection conducted by the cabinet or its designee involving customer service issues, motor  
12 vehicle damage, or a complaint brought by a third party;

13 (g) A public safety or client confidentiality issue with an ignition interlock device provider,  
14 service facility, or technician is identified;

15 (h) A device provider becomes insolvent or files for bankruptcy;

16 (i) The device provider requests a voluntary withdrawal; or

17 (j) The provider fails to comply with the requirements established in the RFQ used to apply  
18 for certification.

19 (2)(a) The device provider shall be given at least thirty (30) days written notice of the  
20 existence of one (1) or more of the conditions established in subsection (1) of this section by letter  
21 from the Office of Highway Safety, served by certified mail, and an opportunity to respond to the  
22 allegations or correct the deficiencies within that period.

1 (b) The Office of Highway Safety shall consider the device provider's response or lack of  
2 response if deciding to suspend for a period of time or completely revoke the certification of the  
3 device provider.

4 (c) The device provider may appeal the decision of the Office of Highway Safety. An  
5 appeal shall be made and conducted pursuant to the provisions of KRS Chapter 13B.

6 (3) A device provider subject to suspension or revocation shall be responsible for and bear  
7 the costs associated with:

8 (a) Providing notice to participants; and

9 (b) The removal of currently installed devices and the installation of a new device by a  
10 device provider in good standing.

11 (4) A device provider subject to suspension or revocation shall continue to provide services  
12 for currently installed devices for a time calculated by the cabinet and based on the remaining  
13 ignition interlock period, but no longer than ninety (90) days.

14 (5) A device provider subject to suspension or revocation shall continue to provide services  
15 for currently installed devices. There shall not be a new ignition interlock device installation during  
16 the period of suspension.

17 (6)(a) A device provider that terminates certification or goes out of business shall comply  
18 with the requirements established in subsection (3) of this section and shall continue to provide  
19 services in accordance with this administrative regulation for currently installed devices for ninety  
20 (90) days from the date of the device provider's notification to the cabinet that the device provider  
21 will be terminating ignition interlock services.

22 (b) A provider who terminates certification or goes out of business shall submit plans for  
23 transferring existing participants to other device providers to ensure continuity of service.

1 (c) A transfer plan shall be submitted to the cabinet for review by the Office of Highway  
2 Safety within thirty (30) days of the initial notification of intent to cease operations in the  
3 Commonwealth.

4 (d) The device provider shall be solely responsible for notifying participants with currently  
5 installed devices serviced by the device provider, and shall be solely responsible for charges related  
6 to removal and installation of a device by a new device provider.

7 Section 7. Surrender of Motor Vehicle License Plates. (1) A defendant who does not have  
8 an ignition interlock license pursuant to KRS 189A.340, a hardship license under KRS 189A.410,  
9 or an exception under KRS 189A.085 shall surrender his or her license plate or plates pursuant to  
10 KRS 189A.085.

11 (2) Upon receipt of a request for a vehicle registration inventory from a court, the cabinet  
12 shall:

13 (a) Conduct a search of the automated vehicle information system;

14 (b) Identify motor vehicles owned or jointly owned by the person named on the request;

15 and

16 (c) Return the results of the search to the court by noon Eastern time, the next working day  
17 after the request is received, if the request is received by noon Eastern time. A request received  
18 after noon Eastern time shall be returned to the court by the close of business the second working  
19 day after the request is received.

20 (3) Upon receipt of a court order impounding a license plate pursuant to KRS 189A.085,  
21 the cabinet shall suspend the motor vehicle registration. The cabinet shall not suspend the  
22 registration of any motor vehicle pursuant to KRS 189A.085 unless a court order has been  
23 received.

1 (4) The court shall return each confiscated license plate to the cabinet. The cabinet shall  
2 bear the responsibility for reasonable postage or shipping costs for the return of confiscated license  
3 plate.

4 (5) After the motor vehicle license plate suspension period has expired, the county clerk  
5 shall reissue a motor vehicle license plate and registration receipt upon the request of the vehicle  
6 owner. .

7 (a) If the registration period of the suspended license plate has not expired, the new  
8 registration shall be issued pursuant to KRS 186.180(2).

9 (b) If the suspended license plate has expired, the registration shall be issued as a renewal  
10 registration pursuant to KRS 186.050.

11 Section 8. Suspensions and Compliance Periods. As established in KRS 189A.070 and this  
12 administrative regulation, the incentive and compliance-based review periods that correspond with  
13 the license suspension period shall be established in the table in this section.

DUI Offense	DUI Suspension	Ignition Interlock Incentive Period	Compliance-Based Review
1 <sup>st</sup> Offense	6 month	4 month or until the participant meets the compliance-based review	90 consecutive days violation free
2 <sup>nd</sup> Offense	18 month	12 month or until the participant meets the compliance-based review	120 consecutive days violation free
3 <sup>rd</sup> Offense	36 month	18 month or until the participant meets the compliance-based review	120 consecutive days violation free
4 <sup>th</sup> Offense or Subsequent	60 month	30 month or until the participant meets the compliance-based review	120 consecutive days violation free

1           Section 9. Monitoring. (1) The Division of Driver Licensing shall monitor the reports  
2 provided by the device provider for violations as established in KRS 189A.340(4)(b)2.b, KRS  
3 189A.345, and in Section 4(6)(d) of this administrative regulation.

4           (2) Based on the date provided on the KIIP participation approval letter indicating the  
5 beginning of the compliance period, device providers shall, pursuant to Section 4(4) of this  
6 administrative regulation and KRS 189A.350(4)(f), notify the cabinet of any violations under KRS  
7 189A.340(4)(b)2.b. within seven (7) days of discovery of the occurrence of that violation.

8           (3) If the Division of Driver Licensing observes a violation, the division shall note the  
9 violation on the driving record and the time credited to the compliance period shall be voided.

10          (4) Any appeal stemming from these determinations shall be administered pursuant to  
11 Section 10 of this administrative regulation.

12          (5) If an ignition interlock device provider is notified or discovers evidence or information  
13 that a participant or others have committed an offense in violation of KRS 189A.345, the ignition  
14 interlock device provider shall provide notice of the alleged violation and any corresponding  
15 information related to the alleged offense to the cabinet and law enforcement within seven (7) days  
16 of discovery of the occurrence pursuant to KRS 189A.350(4)(f). The device provider shall:

17          (a) Notify the cabinet of the name of the participant or other offender and the location  
18 where the alleged offense occurred;

19          (b) Notify law enforcement in the county where the offense is alleged to have occurred;  
20 and

21          (c) Provide all evidence to the law enforcement in the county where the offense is alleged  
22 to have occurred, including, for example, documents, photographs, alcohol test results, witness  
23 names, and any other information related to the alleged offense.

1 (6) If the cabinet discovers evidence or information that a participant or others have  
2 committed an offense in violation of KRS 189A.345, the cabinet shall:

3 (a) Notify law enforcement in the county where the offense is alleged to have occurred;  
4 and

5 (b) Provide all evidence to the law enforcement in the county where the offense is alleged  
6 to have occurred, including, for example, documents, photographs, alcohol test results, witness  
7 names, and any other information related to the alleged offense.

8 (7) Once the participant has complied with the Ignition Interlock Incentive Period, the  
9 device provider shall, pursuant KRS 189A.340(4)(b)2.a., issue a final report to the cabinet that  
10 verifies that the participant has satisfied the compliance requirements of the Ignition Interlock  
11 Incentive Period. Once the cabinet has made a determination regarding the final report pursuant to  
12 Section 2(18) and Section 5(10) of this administrative regulation, the cabinet shall issue a removal  
13 letter to the participant stating that the ignition interlock device may be removed.

14 (8) A participant shall receive day-for-day credit for days that the person held a valid  
15 ignition interlock license or while receiving alcohol or substance abuse treatment in a licensed,  
16 inpatient residential facility pursuant to KRS 189A.340(5) and 908 KAR 1:310.

17 (9) A participant shall not receive day-for-day credit for days that the person utilizes the  
18 employer exemption pursuant to KRS 189A.340(6).

19 (a) A participant seeking to utilize the employer exemption pursuant to KRS 189A.340(6)  
20 shall submit a notarized Kentucky Ignition Interlock Program Employer Work Exemption  
21 Application, TC 94-190.

22 (b) A participant that has applied for the employer exemption pursuant to KRS  
23 189A.340(6) shall be granted the exemption by the cabinet if the applicant tenders a completed



1 and notarized Kentucky Ignition Interlock Program Employer Work Exemption Application, TC  
2 94-190, in satisfaction of KRS 189A.340(6)(a) and (b).

3 Section 10. Appeals. (1) An appeal of any action taken by the Transportation Cabinet  
4 pursuant to KRS 189A.340 shall be conducted pursuant to KRS 189A.370.

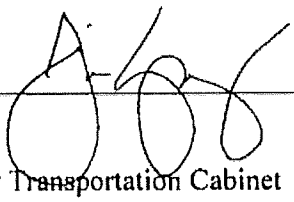
5 Section 11. Incorporation by Reference. (1) The following material is incorporated by  
6 reference:

- 7 (a) "Kentucky Ignition Interlock Program Application," TC 94-175, September 2020;
- 8 (b) "Breath Alcohol Ignition Interlock Physician Statement," TC 94-176, July 2020;
- 9 (c) "Certificate of Removal for Ignition Interlock Device," TC 94-178, September 2020;
- 10 (d) "Kentucky Ignition Interlock Program Affordability Application," TC 94-188,  
11 September 2020;
- 12 (e) "Kentucky Ignition Interlock Program Employer Work Exemption Application," TC  
13 94-190, September 2020;
- 14 (f) "Ignition Interlock Certificate of Installation," TC 94-194, April 2021;
- 15 (g) "Certified Ignition Interlock Providers" by the Kentucky Transportation Cabinet,  
16 Division of Driver Licensing, is available electronically at [https://drive.ky.gov/driver-](https://drive.ky.gov/driver-licensing/Pages/Ignition-Interlock-Program.aspx#certified-ignition-interlock-providers)  
17 [licensing/Pages/Ignition-Interlock-Program.aspx#certified-ignition-interlock-providers](https://drive.ky.gov/driver-licensing/Pages/Ignition-Interlock-Program.aspx#certified-ignition-interlock-providers);
- 18 (h) "Conforming Products List of Calibrating Units for Breath Alcohol Testers" by the  
19 National Highway Traffic Safety Administration, revised October 22, 2012, available at  
20 [http://www.transportation.gov/odapc/conforming-product-list-calibrating-units-breath-alcohol-](http://www.transportation.gov/odapc/conforming-product-list-calibrating-units-breath-alcohol-testers)  
21 [testers](http://www.transportation.gov/odapc/conforming-product-list-calibrating-units-breath-alcohol-testers); and

1 (i) "Model Guideline for State Ignition Interlock Programs" by the National Highway  
2 Traffic Safety Administration, revised November 2013, available at  
3 [nhtsa.gov/staticfiles/nti/pdf/811859.pdf](http://nhtsa.gov/staticfiles/nti/pdf/811859.pdf).

4 (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
5 law, at the Transportation Cabinet Building, Department of Highways, 200 Mero Street, Frankfort,  
6 Kentucky 40622, Monday through Friday, 8:00 a.m. through 4:30 p.m. This material is also  
7 available at Transportation Cabinet Regional Field Offices, on the cabinet's web site at  
8 <http://drive.ky.gov>, and on the cabinet's Administrative Regulations Filings web site at  
9 <https://transportation.ky.gov/LegalServices/Pages/Filings.aspx>.

APPROVED:

  
\_\_\_\_\_  
Jim Gray  
Secretary  
Kentucky Transportation Cabinet

4/6/2021  
\_\_\_\_\_  
Date

APPROVED:

*Matthew Cole*  
\_\_\_\_\_  
Matt Cole  
Acting Commissioner  
Department of Vehicle Regulation  
Kentucky Transportation Cabinet

4-5-21  
\_\_\_\_\_  
Date

APPROVED AS TO FORM  
AND LEGALITY:

Jon Johnson  
\_\_\_\_\_  
Jon Johnson  
Staff Attorney Manager/Assistant General Counsel  
Office of Legal Services  
Kentucky Transportation Cabinet

April 2, 2021  
\_\_\_\_\_  
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD  
601 KAR 2:233E

A public hearing on this administrative regulation shall be held at 10:00 AM on May 25, 2021, at the Transportation Cabinet, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622. In the event the declaration of a State of Emergency in Executive Order 2020-215 and the State of Emergency Relating to Social Distancing in Executive Order 2020-243 are not rescinded by May 25, 2021, this hearing will be done by video teleconference. Members of the public wishing to attend may utilize the following link:

Join from PC, Mac, Linux, iOS or Android:

<https://bluejeans.com/956226725/5068?src=calendarLink&flow=joinmeeting>

Or Telephone:

+1.408.419.1715 (United States (San Jose))

+1.408.915.6290 (United States (San Jose))

Meeting ID: 956 226 725

Participant Passcode: 5068

Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on May 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

**CONTACT PERSON:**

Jon Johnson  
Staff Attorney Manager/Assistant General Counsel  
Transportation Cabinet  
Office of Legal Services  
200 Mero Street  
Frankfort, Kentucky 40622  
Telephone: (502) 564-7650  
Fax: (502) 564-5238  
Email: [jon.johnson@ky.gov](mailto:jon.johnson@ky.gov)

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT  
601 KAR 2:233E

CONTACT PERSON: Jon Johnson  
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(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the administration and implementation of the ignition interlock program.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 189A.350.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes forms, creates a uniform certificate of installation for ignition interlock devices, certifies the devices approved for use in the Commonwealth, and creates an ignition interlock license to be issued upon application approval.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will establish the regulatory requirements of KRS 189A.350.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This administrative regulation addresses the shift of the administration of this program from the judicial branch to the Transportation Cabinet.

(b) The necessity of the amendment to this administrative regulation: KRS 189A.350 requires that the Transportation Cabinet to promulgate administration regulations in order to administer this program.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 189A.350 that requires the cabinet to implement the ignition interlock program.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will clarify provisions in the current administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect: companies desiring to provide ignition interlock devices and services within Kentucky; motor vehicle drivers who violate KRS 189A.010 (defendants); the cabinet's Division of Drivers Licensing within the Department of Vehicle Regulation; the cabinet's Office of Highway Safety within the Department of Highways; circuit clerks, and the Administrative Office of the Courts.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: Companies desiring to provide ignition interlock devices and services will apply to the cabinet for device certification and authorization; defendants will apply for both the ignition interlock device and authorization to operate with an ignition interlock license pursuant to court order or conviction pursuant to KRS Chapter 189A; divisions within the department will approve and process the application forms; and ignition interlock licenses will be issued by the appropriate authority.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Defendants will pay a DUI service fee assessed by the court in the amount of \$50.

(c) As a result of compliance, what benefits will accrue to the entities: If eligible pursuant to KRS Chapter 186, participants will be approved to drive with an ignition interlock license, pursue the benefits of reduced license suspension time, and obtain immediate driving privileges; businesses desiring to provide ignition interlock devices and services will be granted certification for devices and authority to provide services.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Inspections, mailing of documents and staff time necessary to begin processing applications is estimated at \$525,000.

(b) On a continuing basis: In an amount not to exceed the actual cost to the cabinet for issuing the ignition interlock license to the participant.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Initially, FHWA-Hazard Elimination Fund; funds collected pursuant to KRS 189A.350.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: While the intent is not for the state to incur costs, an increase in funding will like be needed to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The administrative fees created herein are pursuant to statute to off-set any costs to KYTC.

(9) TIERING: Is tiering applied? Explain why or why not. No tiering is required for device providers. All device providers meeting or exceeding the qualifications will be treated the same. Tiering for applicants in this program is pursuant to statute.



FISCAL NOTE ON STATE OR LOCAL GOVERNMENT  
601 KAR 2:233E

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(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? KYTC Department of Vehicle Regulation, Division of Driver Licensing, Office of Highway Safety; circuit clerks, Administrative Office of the Courts, county attorneys, law enforcement.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 189A.350.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. For local government, costs should be minimal as the process is administratively driven and the regulatory actions will be performed within the context of DUI prosecutions.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation is not expected to generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation is not expected to generate revenue.

(c) How much will it cost to administer this program for the first year? Up to approximately \$525,000.

(d) How much will it cost to administer this program for subsequent years? In an amount not to exceed the actual cost to the cabinet for issuing the ignition interlock license to the participant.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): No revenues will be generated by this program.

Expenditures (+/-): Additional programming to the driver licensing system will need to be implemented. The cost is unknown.

Other Explanation: The cabinet is unsure precisely how many defendants will move for eligibility under this program and whether efficiencies can be achieved if they do.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE  
601 KAR 2:233E

(1) The "Kentucky Ignition Interlock Program Application," TC 94-175, collects personal and vehicular information from the applicant to determine eligibility for KIIP participation. This form is established pursuant to KRS 189A.070, 189A.340, 189A.345, and 189A.350. This material incorporated by reference is 1 page.

(2) The "Breath Alcohol Ignition Interlock Physician Statement," TC 94-176, provides verification from an applicant's or participant's physician that an applicant or participant has a condition that effects their lung capacity and allows a reduction in the volume of breath sample. This form requests the physician's index number. This form is established pursuant to KRS 189A.070, 189A.340, 189A.345, and 189A.350. This material incorporated by reference is 1 page.

(3) The "Certificate of Removal for Ignition Interlock Device," TC 94-178, certifies that a certified provider has removed an ignition interlock device from an approved vehicle. This form is established pursuant to KRS 189A.070, 189A.340, 189A.345, and 189A.350. This material incorporated by reference is 1 page.

(4) The "Kentucky Ignition Interlock Program Affordability Application," TC 94-188, was created to determine if a participant is eligible for fee reduction based on the federal poverty guidelines. This form is established pursuant to KRS 189A.340 and KRS 189A.350. This material incorporated by reference is 1 page.

(5) The "Kentucky Ignition Interlock Program Work Exemption Application," TC 94-190, verifies that a participant's employer is allowing them to drive a employer-owned vehicle that is not ignition interlock equipped. This form is established pursuant to KRS 189A.340(6). This material incorporated by reference is 2 pages.

(6) The "Ignition Interlock Certificate of Installation," TC 94-194, certifies that a certified provider has installed an ignition interlock device in an approved vehicle. This form is established pursuant to KRS 189A.070, 189A.340, 189A.345, and 189A.350. This material incorporated by reference is 1 page.

(7) "Certified Ignition Interlock Providers" is a periodically updated, rotating list of certified ignition device providers and approved facilities that is being made available by the Kentucky Transportation Cabinet, Division of Driver Licensing, electronically at <https://drive.ky.gov/driver-licensing/Pages/Ignition-Interlock-Program.aspx#certified-ignition-interlock-providers> pursuant to KRS 189A.350(1)(a). This material incorporated by reference is 1 page.

(8) "Conforming Products List of Calibrating Units for Breath Alcohol Testers" is a document approved by the National Highway Traffic Safety Administration, revised October 22, 2012, that provides the calibration units approved by NHTSA. It is electronically available at <http://www.transportation.gov/odapc/conforming-product-list-calibrating-units-breath-alcohol-testers>. This material incorporated by reference is 3 pages.

(9) "Model Guideline for State Ignition Interlock Programs" by the National Highway Traffic Safety Administration, revised November 2013, available at [nhtsa.gov/staticfiles/nti/pdf/811859.pdf](http://nhtsa.gov/staticfiles/nti/pdf/811859.pdf), provides the ignition interlock device model specifications. This material incorporated by reference is 13 pages.



DOCUMENTARY EVIDENCE JUSTIFYING THE FINDING OF AN EMERGENCY  
PURSUANT TO KRS 13A.190(8)(a)3.  
601 KAR 2:233E

CONTACT PERSON: Jon Johnson  
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Telephone: (502) 564-7650  
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Email: jon.johnson@ky.gov

This emergency administrative regulation is being promulgated in order to establish the guidelines and requirements for the implementation and use of ignition interlock devices pursuant to the requirements of Senate Bill 85 from the 2019 Regular Session of the General Assembly, which went into effect on July 1, 2020.

Due to multiple comments by stakeholders, the agency decided to create a new emergency regulation in order to clarify specifics with regards to Senate Bill 85. It is filed to address the risk to the public health, safety, or welfare associated with driving under the influence and to protect human health.

Because the requirements of Senate Bill 85 from the 2019 Regular Session of the General Assembly went into effect on July 1, 2020, an ordinary administrative regulation was not sufficient to meet the pending deadline for promulgation of an administrative regulation. This new emergency administrative regulation incorporates the requirements of Senate Bill 85 from the 2019 Regular Session of the General Assembly, including updated payment of fee requirements, forms, procedures for appeal, requirements of manufacturers seeking certification to participate in the Kentucky Ignition Interlock Program (KIIP), and shifts the KIIP from administration through the courts and to the cabinet.

This emergency administrative regulation will be replaced by an ordinary administrative regulation, and the companion ordinary administrative regulation is identical to this emergency regulation.

# KENTUCKY IGNITION INTERLOCK PROGRAM APPLICATION

**INSTRUCTIONS:**

Pursuant to KAR 2:233, Section 2(2), this application will not be processed without the following:

- Proof of insurance
- Valid vehicle registration

**Note:** Any applicant who has been diagnosed with a condition that results in diminished lung capacity should submit the Breath Alcohol Ignition Interlock Physician Statement, TC 94-176, along with this application.

## SECTION 1: APPLICANT INFORMATION

FULL LEGAL NAME <i>(Print)</i>	EMAIL	PHONE	
STREET ADDRESS	CITY	STATE	ZIP
MAILING ADDRESS <i>(if different from street address)</i>	CITY	STATE	ZIP
DRIVER LICENSE #	DATE OF BIRTH <i>(mm/dd/yyyy)</i>		

## SECTION 2: VEHICLE INFORMATION

**VEHICLE # 1 OWNER** *(Provide proof of valid registration.)*

PLATE #	VEHICLE IDENTIFICATION #	YEAR	MAKE	MODEL
---------	--------------------------	------	------	-------

VEHICLE # 2 OWNER (if applicable) (Provide proof of valid registration.)

PLATE #	VEHICLE IDENTIFICATION #	YEAR	MAKE	MODEL
---------	--------------------------	------	------	-------

INSURANCE COMPANY (Provide proof of insurance.)

### SECTION 3: REQUEST

I hereby request authorization from the Kentucky Transportation Cabinet for an ignition interlock device.

\_\_\_\_\_  
APPLICANT SIGNATURE

\_\_\_\_\_  
DATE

**For KYTC Use Only**

Case #: ☐ Approved ☐ Denied

Reason for Denial: \_\_\_\_\_

<b>REVIEWER NAME (Print)</b>	<b>REVIEWER SIGNATURE</b>	<b>DATE</b>
------------------------------	---------------------------	-------------



KENTUCKY TRANSPORTATION CABINET  
Department of Motor Vehicle Licensing  
DIVISION OF DRIVER LICENSING

TC 94-176  
Rev. 07/2020  
Page 1 of 1

**BREATH ALCOHOL IGNITION INTERLOCK PHYSICIAN STATEMENT**

**INSTRUCTION:** This form must accompany the submitted TC 94-175 form, *Kentucky Ignition Interlock Program Application*.

**SECTION 1: DRIVER/PATIENT INFORMATION**

LAST NAME	FIRST NAME	MI	EMAIL	PHONE
STREET ADDRESS		CITY		STATE ZIP
MAILING ADDRESS (if different from street address)		CITY		STATE ZIP

**SECTION 2: DRIVER/PATIENT AUTHORIZATION**

I hereby authorize and accept that:

- My physician shall conduct a medical examination to determine my ability to provide a breath sample
- My physician will respond to any additional questions from the Kentucky Transportation Cabinet and, if necessary, my physician will submit copies of my medical records to KYTC

I hereby authorize and request my physician release information and records regarding my medical condition to KYTC, the District Court, and their employees. I consent to the use of this information for the administration of the Ignition Interlock program. I understand that failure to abide by the conditions set forth in this agreement shall prevent me from receiving the medical accommodation. This agreement shall remain valid for the period of ignition interlock usage.

\_\_\_\_\_  
DRIVER/PATIENT SIGNATURE

\_\_\_\_\_  
DATE

**PHYSICIAN USE ONLY**

A physician must complete this section of the form. This patient has indicated that he or she has a medical condition that precludes his or her ability to use an ignition interlock device as required by law. Please provide the following information so this patient may be considered for a lowered air volume setting on this device.

**SECTION 3: PHYSICIAN INFORMATION**

NAME	TITLE	PHONE
OFFICIAL MAILING ADDRESS	CITY	STATE ZIP

**CURRENT DIAGNOSIS OF PATIENT LISTED IN SECTION 1**

Indicate which pulmonary function test was performed on this patient: (Choose one.)

☐ Peak Flow Meter    ☐ Spirometer    ☐ Full Pulmonary Test

Date of last pulmonary function test: \_\_\_\_\_ (Attach a copy of the test results.)

Based on your medical examination, and results of the pulmonary function test, should the patient be capable of blowing into an ignition interlock device if the air volume setting is at 1.2 liters per breath? ☐ Yes ☐ No

Based on your medical examination, and results of the pulmonary function test, should the patient be capable of blowing into an ignition interlock device if the air volume setting is at 1.0 liters per breath? ☐ Yes ☐ No

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
PHYSICIAN SIGNATURE

\_\_\_\_\_  
PHYSICIAN INDEX #

\_\_\_\_\_  
DATE



KENTUCKY TRANSPORTATION CABINET  
Department of Vehicle Regulation  
DIVISION OF DRIVER LICENSING

TC 94-178  
Rev. 09/2020  
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**CERTIFICATE OF REMOVAL FOR IGNITION INTERLOCK DEVICE**

**INSTRUCTIONS:**

- This form shall be completed by the service provider upon removal of the Ignition Interlock Device.
- This certificate shall be taken to an appropriate issuance location for the issuance of an unrestricted license where applicable.

**SECTION 1: DRIVER INFORMATION**

FULL LEGAL NAME ( <i>Print.</i> )		EMAIL		PHONE	
STREET ADDRESS		CITY		STATE	ZIP
MAILING ADDRESS ( <i>if different from street address</i> )		CITY		STATE	ZIP
DRIVER LICENSE #		DATE OF BIRTH ( <i>mm/dd/yyyy</i> )			
PLATE #	VIN #	YEAR	MAKE	MODEL	

**SECTION 2: DEVICE PROVIDER INFORMATION**

COMPANY NAME		EMAIL		PHONE	
STREET ADDRESS		CITY		STATE	ZIP
MAILING ADDRESS ( <i>if different from street address</i> )		CITY		STATE	ZIP
DEVICE MODEL #					

**SECTION 3: SERVICE PROVIDER INFORMATION**

COMPANY NAME		EMAIL		PHONE	
STREET ADDRESS		CITY		STATE	ZIP

**SECTION 4: TECHNICIAN SIGNATURE & DATE**

\_\_\_\_\_  
TECHNICIAN NAME (*Print*)

\_\_\_\_\_  
TECHNICIAN SIGNATURE

\_\_\_\_\_  
REMOVAL DATE



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**KENTUCKY IGNITION INTERLOCK PROGRAM AFFORDABILITY APPLICATION**

**INSTRUCTIONS:** Return the completed form along with any necessary documentation to the Kentucky Transportation Cabinet, Department of Vehicle Regulation, Division of Driver Licensing, 200 Mero Street, 2<sup>nd</sup> Floor, Frankfort, Kentucky 40622.

Pursuant to 601 KAR 2:233, Section 2(3) and (5), if you are indigent and plan to participate in the Kentucky Ignition Interlock Program (KIIP), use this form to apply for fee reduction for the costs of installation, removal, calibration/leasing of the device, and missed appointments. Pursuant to KRS189A.340(7)(a) and 601 KAR 2:232(3) and (5), a provider may charge fees as established in KRS 189A.340(7)(a)1. through 5.

Program participation is established by the Federal Poverty Guidelines, KRS 189A.340 and 189A.350, and 601 KAR 2:233, Section 2(3) and (5). Household income is verified through federal tax returns and/or paychecks, and W-2 or 10-99. Therefore, to complete this application and facilitate the most accurate processing of this document, you are required to submit federal tax returns and/or paystubs, and W-2 or 1099.

**SECTION 1: APPLICANT INFORMATION**

FULL LEGAL NAME (Print)	EMAIL	PHONE	
STREET ADDRESS	CITY	STATE	ZIP
MAILING ADDRESS (if different from street address)	CITY	STATE	ZIP
DRIVER LICENSE #	DATE OF BIRTH (mm/dd/yyyy)		

If applicant is claimed as a dependent by a parent or other family member, provide the full legal name of person who claims applicant as a dependent. \_\_\_\_\_

**SECTION 2: ELIGIBILITY INFORMATION & APPLICANT SIGNATURE**

Pursuant to KRS 189A.340 and 189A.350, and 601 KAR 2:233, Section 2(3), eligibility is based on household size and income. Guidelines are available at the Driver License Field Offices and can be found online at <http://drive.ky.gov> or KIIP.

I, \_\_\_\_\_, certify that my family income for the prior calendar year was at or below 200% of the Federal Poverty Guidelines, and the following is true and correct as of the date of this application:

- My household income: \$ \_\_\_\_\_ per year.
- The number of people living in my household: \_\_\_\_\_.

Federal Poverty Guidelines	Percentage of Payment Required
Above 200 %	100 %
Between 150 % - 200 %	75 %
Between 100 % - 150 %	50 %
100 % or Below	25 %

I certify under penalty of revocation of participation in the indigent program under the laws of the Commonwealth of Kentucky that the foregoing is true and correct. I understand that indigent status will NOT exceed the maximum suspension time and that I must recertify this application annually.

APPLICANT NAME (Print)	APPLICANT SIGNATURE	DATE
<b>KYTC USE ONLY:</b>		
Application approved: <input type="checkbox"/> Yes <input type="checkbox"/> No	Percentage approved: <input type="checkbox"/> 100 % <input type="checkbox"/> 75 % <input type="checkbox"/> 50 % <input type="checkbox"/> 25 %	
Date of decision:	Name of Reviewer:	



KENTUCKY TRANSPORTATION CABINET  
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TC 94-190  
Rev. 09/2020  
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**KENTUCKY IGNITION INTERLOCK PROGRAM  
EMPLOYER WORK EXEMPTION APPLICATION**

**SECTION 1: COMPANY INFORMATION**

NAME	EMAIL	PHONE
ADDRESS	CITY	STATE

**SECTION 2: EMPLOYER STATEMENT**

**INSTRUCTIONS TO EMPLOYER:** *This statement shall be completed and notarized as part of the Applicant's request to install an ignition interlock device and obtain a work exception.*

I, \_\_\_\_\_ attest that \_\_\_\_\_ is an employee of the  
Employer Name (Print) Employee Name (Print)

company named above and acknowledge the following:

- A requirement of his or her employment is the operation of an employer-provided motor vehicle or motorcycle. I certify that the vehicle to be used by the employee is NOT owned, titled, registered, or insured by the employee.
- I am aware of the suspension or revocation of the employee's operator's license due to a charge prior to conviction or conviction resulting from or relating to driving under the influence.
- I am aware of the employee's request to the Kentucky Transportation Cabinet that he or she be allowed to install an ignition interlock device (IID) on a vehicle(s) registered to him or her, either jointly or individually, and I certify that that vehicle is not owned, titled, registered, or insured by the employee's employer.
- I am aware of the employee's request for a work exception. If granted by the Kentucky Transportation Cabinet, pursuant to KRS 189A.340(6) and 601 KAR 2:232, Section 9(10).  
I understand that the employee will be allowed to operate an employer-provided motor vehicle or motorcycle, which is not equipped with an IID for work purposes only and only during work hours.

Further, I certify that: (Check all that apply.)

- ☐ I have supervisory capacity over the employee/I am the owner of the company/I am the employer of the employee
- ☐ The employee's employer is the owner of the vehicle(s) that will be used by the employee listed below.
- ☐ The company named above employs the employee listed below.
- ☐ I have answered these questions to the best of my ability and, to the best of my knowledge, everything contained herein is true and accurate.

**Employer shall provide days and times employer's vehicle will be in use by the listed employee and notify the Cabinet when the schedule changes. If a flexible schedule, indicate general schedule and explain why the schedule is flexible.**

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start Time							
End Time							

**I certify that: (Select one.)**

- ☐ I certify that the above is the employee's work schedule and it is fixed. I agree that I will notify the Cabinet of schedule changes.
- ☐ I certify that the above is the employee's general work schedule, but due to the reason(s) listed below, the employee has a flexible schedule that is regularly communicated to and approved by me or someone else in the company.

**Reason(s) for schedule flexibility:** \_\_\_\_\_

**Employer Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

State: \_\_\_\_\_ County: \_\_\_\_\_ Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Notary Public Signature: \_\_\_\_\_ My commission #: \_\_\_\_\_ Expires: \_\_\_\_\_



KENTUCKY TRANSPORTATION CABINET  
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TC 94-190  
Rev. 09/2020  
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**KENTUCKY IGNITION INTERLOCK PROGRAM  
EMPLOYER WORK EXEMPTION APPLICATION**

**INSTRUCTIONS TO APPLICANT:**

If the Kentucky Transportation Cabinet (Cabinet) authorizes you to apply for an ignition interlock license, you shall complete the Cabinet's TC 94-175 form, *Kentucky Ignition Interlock Program Application*, and submit it to the Cabinet. The Cabinet may, pursuant to 601 KAR 2:233, refuse approval of an ignition interlock license should your driving history reveal a current withdrawal, denial, suspension, cancellation, or revocation of driving privilege in any state/licensing jurisdiction. If you are indigent, you may complete the TC 94-188 form, *Kentucky Ignition Interlock Program Affordability Application*.

**SECTION 3: EMPLOYEE/APPLICANT INFORMATION**

FULL LEGAL NAME ( <i>Print</i> )	EMAIL	PHONE	
STREET ADDRESS	CITY	STATE	ZIP
MAILING ADDRESS ( <i>if different from street address</i> )	CITY	STATE	ZIP
DRIVER LICENSE #	DATE OF BIRTH ( <i>mm/dd/yyyy</i> )		

**SECTION 4: EMPLOYEE/APPLICANT STATEMENT**

I, \_\_\_\_\_, am aware that, in order to be approved for the Employer Work Exemption,  
*Employee/Applicant Name*

I must provide proof of installation on a personal vehicle AND my license must have been issued with the Ignition Interlock restriction. I am also aware that, by being granted the Employer Work Exemption, I will NOT receive day-for-day credit on the days the employer's exemption is utilized pursuant to KRS 189A.340(5)(c).

**I certify that:**

- I am NOT the owner of the vehicle(s) that I am using in the capacity of my job.
- I DO work for the company listed above and utilize an employer owned vehicle as part of the scope of my employment.

*Upon the cabinet's approval of the Employer Work Exemption, I agree and understand that this form MUST accompany me while operating my employer's vehicle.*

\_\_\_\_\_  
Employee/Applicant Signature

\_\_\_\_\_  
Date

**KYTC USE ONLY:**

☐ Approved ☐ Declined

\_\_\_\_\_  
Reviewer Printed Name

\_\_\_\_\_  
Reviewer Signature

\_\_\_\_\_  
Date

**This application is not valid unless stamped and signed.**



KENTUCKY TRANSPORTATION CABINET  
Department of Vehicle Regulation  
DIVISION OF DRIVER LICENSING

TC 94-194  
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## IGNITION INTERLOCK CERTIFICATE OF INSTALLATION

### INSTRUCTIONS:

- This form shall be completed by the service provider's technician upon installation of the Ignition Interlock Device.
- This certificate shall be taken to an appropriate issuance location for the issuance of the ignition interlock license.

### SECTION 1: DRIVER INFORMATION

FULL LEGAL NAME ( <i>Print</i> )	EMAIL	PHONE
STREET ADDRESS	CITY	STATE ZIP
MAILING ADDRESS ( <i>if different from street address</i> )	CITY	STATE ZIP
DRIVER LICENSE #	DATE OF BIRTH ( <i>mm/dd/yyyy</i> )	

### SECTION 2: VEHICLE INFORMATION

#### Vehicle 1:

PLATE #	VIN #	YEAR	MAKE	MODEL
---------	-------	------	------	-------

#### Vehicle 2:

PLATE #	VIN #	YEAR	MAKE	MODEL
---------	-------	------	------	-------

### SECTION 3: DEVICE PROVIDER INFORMATION

COMPANY NAME	EMAIL	PHONE
STREET ADDRESS	CITY	STATE ZIP
MAILING ADDRESS ( <i>if different from street address</i> )	CITY	STATE ZIP

#### DEVICE MODEL #

Vehicle # 1: \_\_\_\_\_ Vehicle # 2: \_\_\_\_\_

### SECTION 4: SERVICE PROVIDER INFORMATION

COMPANY NAME	EMAIL	PHONE
STREET ADDRESS	CITY	STATE ZIP

### SECTION 5: TECHNICIAN SIGNATURE & DATE

\_\_\_\_\_  
INSTALLATION TECHNICIAN NAME (*Print*)

\_\_\_\_\_  
INSTALLATION TECHNICIAN SIGNATURE

\_\_\_\_\_  
INSTALLATION DATE



**COVID-19 Alert** - For the latest information on the novel coronavirus in Kentucky, please visit [kycovid19.ky.gov](https://kycovid19.ky.gov) (<https://kycovid19.ky.gov>)

**Need To Renew Or Replace Your Driver's License?**  
 Avoid the line! You may be able to renew by mail or drop-off!

Mail In Options For All Residents, Including Lexington (</Pages/covid19-updates.aspx>)

KSP Driver Testing  
<http://kentuckystatepolice.org/drivers-testing/>

**Need a REAL ID or Standard License?**  
 Schedule An Appointment (<https://drive.ky.gov/RealID/Pages/Schedule.aspx>)

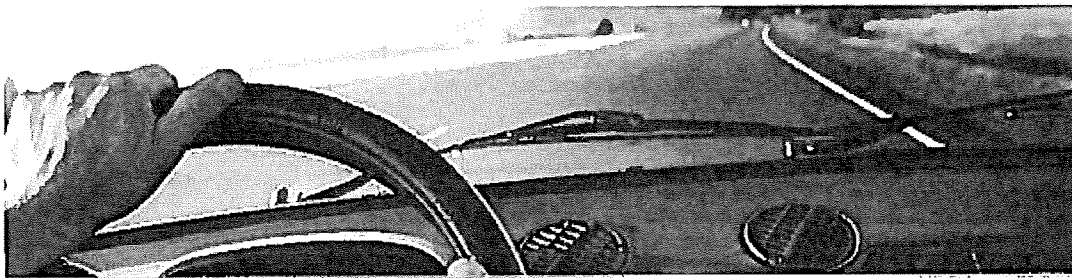
### MEDICAL CERTIFICATION EXTENSIONS

FMCSA has extended the waiver through May 31, 2021 for CDL or CLP holders who have proof of a valid medical certification or medical variance that expired on or after December 1, 2020.

This FMCSA extension does not apply to any CDL/CLP holder with the S endorsement or driver in the Kentucky Intrastate Medical Waiver Program.

All previous waivers issued by FMCSA are set to expire on February 28, 2021.

Drivers are required to submit current medical certificates or be downgraded when the medical certificate we have on file expires. A commercial license will require written/vision testing if it has been expired for over a year from the expiration date listed on the license in your possession.



## Kentucky Ignition Interlock Program (KIIP)

Welcome to KIIP, Kentucky's new ignition interlock program.

The passing of Senate Bill 85 introduced significant changes to the DUI and Ignition Interlock laws. This page will summarize the changes and explain the new processes associated with KIIP.

**⚠ Important:** The effective date of Senate Bill 85 is July 1, 2020.

### What is an Ignition Interlock Device (IID (Ignition Interlock Device))?

An Ignition Interlock Device means a device, certified by the Kentucky Transportation Cabinet (KYTC) that connects a motor vehicle ignition system or motorcycle ignition system to a breath-alcohol analyzer. This device will prevent a motor vehicle ignition or motorcycle ignition from starting and from continuing to operate if a driver's breath alcohol concentration exceeds 0.02, as measured by the device.

### About KIIP (Kentucky Ignition Interlock Program)

- Under the new program, individuals will no longer apply to the court for interlock privileges, but will apply directly to KYTC (Kentucky Transportation Cabinet) using the Ignition Interlock Application, TC 94-175 (g). Additionally, KYTC (Kentucky Transportation Cabinet) is now the monitoring authority for program participants.
- Before SB 85, the court system denied DUI 1st offenders (with non-aggravating circumstances) access to the program. As of July 1, 2020, the KIIP is available to all drunk driving offenders.
- Drivers who apply and are approved in the KIIP are eligible for a reduction of their license suspension period.

**COVID-19 Alert** The Ignition Interlock program is compliance-based, meaning offenders will have to complete a 90-120 day period of driving sober as part of the program. Information on the device for use in suspension may be found at [kycovid19.ky.gov](https://kycovid19.ky.gov). please visit [kycovid19.ky.gov](https://kycovid19.ky.gov) (https://kycovid19.ky.gov)

### Application Process

**Note:** Those **UNDER 18** years of age when convicted of a DUI may utilize the ignition interlock device but will **NOT** be eligible for the incentive program.

#### Step 1

The Court will report the conviction or suspension to KYTC (Kentucky Transportation Cabinet) Note: This can take a couple of days.

#### Step 2

A letter of Withdrawal or Suspension will be sent.

#### Step 3

Either E-mail (mailto:KYTCIgnitionInterlock@ky.gov) or Fax (844-535-7209) the following information:

- Ignition Interlock Application (TC94-175 (2))
- Proof of a valid Kentucky vehicle registration (out of state drivers will need to provide valid registration from their state)
- Note: If registration is NOT in the driver's name a notarized letter is required from the owner
- Proof of Kentucky Insurance (out of state drivers will need to provide proof of insurance from their state)
- Any other documentation required for the forms to be submitted

OR

Go to a KYTC (Kentucky Transportation Cabinet) Regional Field Office (/RealID/Pages/Schedule.aspx) to complete your application with the above forms

A \$40.00 Reinstatement fee is required, and can be paid either at a Regional Field Office (/RealID/Pages/Schedule.aspx), or online (/driver-licensing/Pages/Drivers-License-and-ID-Card.aspx#/drivers-license-reinstatement).

You will be provided a Letter of Approval by either mail or E-mail.

#### Step 4

Take your Letter of Approval to a Vendor/Ignition Interlock Provider to set up an appointment for installation

A list of Kentucky approved vendors are located at the bottom of this page, or you may call (502) 564-1257 for further assistance

#### Step 5

The Service Center will provide a Certificate of Installation once the device has been successfully installed

#### Step 6

Take your Certificate of Installation to a license issuing location to have a **Restricted License** issued. Cost of the license will depend on the type of license issued. A list of costs can be found here (/RealID/Pages/Cost-Information.aspx).

#### Step 7

Upon completion of the required compliance time, KYTC (Kentucky Transportation Cabinet) will mail a Letter of Removal to schedule removal of the device. The Service Center will provide you with a Certificate of Removal.

#### Step 8

Take your Certificate of Removal to a license issuing location to have a **Non-Restricted License** issued. Cost of the license will depend on the type of license issued. A list of costs can be found here (/RealID/Pages/Cost-Information.aspx).

## After Obtaining an Ignition Interlock License (Restricted License)

**COVID-19 Alert** - For the latest information on the novel coronavirus in Kentucky, please visit [kycovid19.ky.gov](https://kycovid19.ky.gov) (<https://kycovid19.ky.gov>)

- Once an applicant obtains the ignition interlock license, he or she will be restricted to operating only a motor vehicle or motorcycle equipped with a functioning ignition interlock device, unless the person qualifies for an **Employer Exemption** (TC 94-190 [a](#))
- This restriction shall remain in place for the required suspension period of the DUI offense set forth by KYTC (Kentucky Transportation Cabinet)
- A participant wanting or needing to have the device removed permanently or temporarily must complete the **Ignition Interlock Removal Request** (TC 94-189 [a](#)).

## Violations

To qualify for the reduction of suspension time, participants must be violation-free for either 90 or 120 consecutive days, based on their offense. Violating one (or more) of the following violations will result in the consecutive counting of days to start over:

- Failure to take any random breath alcohol test, unless a review of the digital image confirms that the motor vehicle or motorcycle was not occupied by a driver at the time of the missed test
- Failure to pass any random retest with a breath alcohol level of 0.02 or lower, unless a subsequent test performed within 10 minutes registers a breath alcohol concentration lower than 0.02, and the digital image confirms the same person provided both samples
- Failure of the person, or his or her designee, to appear at the ignition interlock device provider when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device
- Failure to pay statutorily required fees (KRS 189A.340 (<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=49576>))
- Tampering with an installed ignition interlock device with the intent of rendering it defective
- Altering, concealing, hiding, or attempting to alter, conceal, or hide the person's identity from the ignition interlock device's camera while providing a breath sample

## DUI

**DUI suspension periods have changed.** Before SB 85, the courts selected the suspension time from a date range based on the offense. As of July 1, 2020, KYTC (Kentucky Transportation Cabinet) administers a static suspension time based on the type of conviction. To view more information regarding DUI laws, please click [here](#) (</driver-licensing/Pages/DUI-Laws.aspx>).

## Frequently Asked Questions

Am I eligible for an Ignition Interlock Device?

Who do I contact if I see a discrepancy on my driving record?

What fees are associated with obtaining and using an Ignition Interlock device?

How do I apply?

How do I get a device installed?

Do I have to install a device on every vehicle I own?

Can any other individuals drive a vehicle with an ignition interlock device installed?

Am I eligible for an Ignition Interlock License if I have a CDL?

What if I have an emergency and my interlock device prevents me from starting my vehicle?

Can I be removed from the program?

What if I can't afford an Ignition Interlock Device?

How do I transfer my out-of-state Ignition Interlock Device (IID) to Kentucky?


Who do I call if I have questions about the Ignition Interlock process?

Where can I get an application for the device?

Can a Circuit Clerk process my application to apply for an Ignition Interlock Device?

~~COVID-19 Alert~~ For information on the novel coronavirus in Kentucky, please visit [kycovid19.ky.gov](https://kycovid19.ky.gov)  
(<https://kycovid19.ky.gov>)

## Certified Ignition Interlock Providers

 Reload List

### Intoxalock

View Website (<https://www.intoxalock.com/kentucky/>)

utm\_campaign=190419+acquisition&utm\_source=state+admin+list&utm\_medium=website&utm\_content=state+admin+list+ky+link&utm\_term=acquisition&ixphone=1  
(844) 837-3850

### Lifesaver

View Website (<https://www.lifesaver.com/>)

(800) 634-3077

### LowCost Interlock

View Website (<https://www.lowcostinterlock.com/>)

(800) 352-4872

### Smart Start

View Website (<https://www.smartstartinc.com/>)

(844) 206-2867

[Contact Us \(/pages/How-Can-We-Help.aspx\)](#) [Find an Office \(/pages/Find-An-Office.aspx\)](#) [Civil Rights \(/pages/civil-rights.aspx\)](#)

[Policies \(http://kentucky.gov/policies/Pages/default.aspx\)](#) [Security \(http://kentucky.gov/policies/Pages/security.aspx\)](#)

[Disclaimer \(http://kentucky.gov/policies/Pages/disclaimer.aspx\)](#) [Accessibility \(http://kentucky.gov/policies/Pages/accessibility.aspx\)](#)



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**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****[Docket No. NHTSA-2012-0063]****Highway Safety Programs; Conforming Products List of Calibrating Units for Breath Alcohol Testers****AGENCY:** National Highway Traffic Safety Administration, Department of Transportation.**ACTION:** Notice.

**SUMMARY:** This notice updates the Conforming Products List (CPL) published in the *Federal Register* on June 25, 2007 (72 FR 34747) for devices that conform to the Model Specifications for Calibrating Units for Breath Alcohol Tester (CUs) dated, June 25, 2007 (72 FR 34742). This update to the CPL includes 44 new listings—3 wet bath units and 41 dry gas units.

**DATES:** *Effective Date:* October 22, 2012.

**FOR FURTHER INFORMATION CONTACT:** *For technical issues:* Ms. De Carlo Ciccol, Behavioral Research Division, NHT-131, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; Telephone: (202) 366-1694. *For legal issues:* Mr. David Bonelli, Office of Chief Counsel, NCC-113, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; Telephone number (202) 366-2580.

**SUPPLEMENTARY INFORMATION:** On August 18, 1975 (40 FR 36167), the National Highway Traffic Safety Administration (NHTSA) published a standard for Calibrating Units for Breath Alcohol Testers. A Qualified Products List of calibrating units for breath alcohol testers that met the standard was first issued on November 30, 1976 (41 FR 53389).

On December 14, 1984, NHTSA issued a notice to convert the mandatory standards for calibrating units for breath alcohol testers to Model Specifications for such devices (49 FR 48865) and to establish a Conforming Products List (CPL) of calibrating units meeting the Model Specifications. Calibrating units provide known concentrations of ethanol vapor for the calibration or calibration checks of instruments that measure breath alcohol (BrAC).

On December 29, 1994, NHTSA published a notice amending the Model Specifications and updated the CPL for calibrating units (59 FR 67377). That notice also proposed and sought comments about an alternate test procedure using National Institute for

Standards and Technology (NIST) Reference Gas Mixtures for evaluating the accuracy and precision of dry-gas ethanol calibrating units. In Appendix A of that notice, NHTSA identified the calibrating units with an asterisk that had been tested and found to conform to the 1984 Model Specifications (49 FR 48864), when tested at alcohol concentrations 0.050, 0.100, and 0.150. All the other calibrating units listed had been tested and found to conform to the 1994 amended Model Specifications (59 FR 67377) when tested at alcohol concentrations 0.000, 0.020, 0.040, 0.080 and 0.160.

The agency amended the Model Specifications on August 13, 1997 by incorporating the NIST test procedure (62 FR 43416). In that same notice, NHTSA updated the CPL and proposed an alternate test procedure for evaluating the accuracy and precision for wet bath and dry gas calibrating units using infra-red spectroscopy. On June 25, 2007, NHTSA adopted an alternate procedure for evaluating wet bath and dry gas calibrating units using infra-red spectroscopy (72 FR 34742). That notice also adds references to the dry gas standards by fixed concentration of ethanol in terms of parts per million (ppm) and tank size in terms of liters (L). In that same notice, NHTSA updated the CPL to include 22 new listings (8 wet bath and 14 dry gas units).

The CPL that appears in today's notice lists calibrating units that have been determined to conform to the current Model Specifications and continues to identify those units found to conform to the 1984 Model Specifications.

The updated CPL includes 44 new calibrating units (3 wet bath and 41 dry gas units). The wet bath units include:

- (1) Alcosim, submitted by Alcohol Countermeasure Systems, Toronto, Ontario, Canada;
- (2) Model 12V500 submitted by Guth Laboratories, Inc Harrisburg, Pennsylvania; and
- (3) Model 3402C-Tandem submitted by RepCo Marketing, Inc., Raleigh, North Carolina.

The dry gas units<sup>1</sup> include:

- (4) 105.1 ppm/30 L, 225.8 ppm/30 L, 104 ppm/55 L, 226 ppm/55 L, 274 ppm/55 L, 53.5 ppm/108 L, 224.9 ppm/108 L, 273.8 ppm/108 L, and 316.2 ppm/108 L totaling nine (9) tanks submitted by

Airgas, Mid-America, St. Louis, Missouri.

(5) 65.1 ppm/15 L, 130.3 ppm/15 L, 195.4 ppm/15 L, 208.4 ppm/15 L, 390.8 ppm/15 L, 65.1 ppm/34 L, 130.3 ppm/34 L, 195.4 ppm/34 L, 208.4 ppm/34 L, 260.5 ppm/34 L, 390.8 ppm/34 L, 260.5 ppm/105 L, and 260.5 ppm/116 L totaling 13 tanks submitted by Air Liquide CALGAZ, Cambridge, Maryland.

(6) 104 ppm/34 L, 208 ppm/34 L, 223 ppm/34 L, 260 ppm/34 L, 52 ppm/67 L, 103.5 ppm/67 L, 209 ppm/67 L, 260 ppm/67 L, 103.5 ppm/105 L, 208 ppm/105 L, 223 ppm/105 L, 260 ppm/105 L, 273 ppm/105 L, 52 ppm/108 L, 209 ppm/108 L, 103.5 ppm/110 L, 208 ppm/110 L, 223 ppm/110 L, and 260 ppm/110 L totaling 19 tanks submitted by ILMO Specialty Gas Products, Jacksonville, Illinois.

This notice also removes nine (9) manufacturers of fourteen (14) CUs from the CPL whose products are discontinued or no longer sold or supported by the manufacturer. In some cases, the manufacturer no longer exists or expressed an interest in removing their unit(s) from the CPL. In one case, a unit was previously produced by one manufacturer and is now being supported by another manufacturer. This unit will not be removed from the CPL, but it will be listed only under the manufacturer that is currently supporting it. The manufacturers and units being removed include:

- (1) Davtech Analytical Services, Canada, and its CALWAVE dT-100 unit;
- (2) Intoximeters, Inc., St. Louis, Missouri, and its Alco Breath Alcohol Standards unit;
- (3) Luckey Laboratories, San Bernardino, California, and its Simulator unit;
- (4) PLD of Florida, Inc., Rockledge, Florida, and its BA 500 unit;
- (5) Protection Devices, Inc., U.S. Alcohol Testing, Inc., Rancho Cucamonga, California, and its LS34 Model 6100 unit;
- (6) Scott Specialty Gases, Inc., Plumsteadville, Pennsylvania, and its Model EBS™ Gaseous Ethanol Breath Standard, Scotty 28 0.040 BAC/28L, Scotty 28 0.045 BAC/28L, Scotty 28 0.080 BAC/28L, Scotty 28 0.100 BAC/28L and Scotty 28 0.105 BAC/28L units;
- (7) Smith & Wesson Electronic Co., Springfield, Massachusetts is being removed from the CPL. However, its Mark II-A Simulator continues to be supported and maintained by National Draeger, Inc., Colorado. This unit will continue to be listed under National Draeger.

<sup>1</sup> The naming convention of the dry gas units added to the CPL today is illustrative of the ethanol concentration in the volume of nitrogen dry gas. Concentration is expressed in parts per million (ppm) or marketed as breath alcohol concentrations (BAC) and volume is expressed in Liters (L.)

(8) Systems Innovation, Inc., Hallstead, Pennsylvania and its True-Test MD 901 unit; and

(9) U.S. Alcohol Testing, Cucamonga, California and its Alco-Simulator 2000 and Alco-Simulator 61000 units.

The other change today is an update to the listing for Liquid Technology Corp., Orlando, Florida, which expands Ethanol-in-Nitrogen to specify that the unit includes a 105 Liter tank with alcohol concentrations of 104.3 to 219 ppm.

Consistent with the paragraphs above, NHTSA updates the Conforming Products List of Calibrating Units for Breath Alcohol Testers (Manufacturer and Calibrating Unit)<sup>2</sup> to read as follows:

#### CONFORMING PRODUCTS LIST OF CALIBRATING UNITS FOR BREATH ALCOHOL TESTERS

Manufacturers/Name of units	Type of device	
	Dry gas	Wet bath
1. Airgas, Inc. (Formerly known as: Gateway Airgas, AG Specialty Gas, or Acetylene Gas Co.), St. Louis, MO Ethanol in Nitrogen Breath Alcohol Standards		
• 105.1 ppm/30 liters (L)	X	
• 225.8 ppm/30 L	X	
• 270 ppm/30 L	X	
• 104 ppm/55 liters L	X	
• 226 ppm/55 liters L	X	
• 274 ppm/55 liters L	X	
• 53.5 ppm/108 L	X	
• 103 ppm/108 L	X	
• 224.9 ppm/108 L	X	
• 273.8 ppm/108 L	X	
• 316.2 ppm/108 L	X	
2. Air Liquide CALGAZ, Cambridge, MD Ethanol in Nitrogen Breath Alcohol Standards		
• 65.1 ppm/15 L	X	
• 130.3 ppm/15 L	X	
• 195.4 ppm/15 L	X	
• 208.4 ppm/15 L	X	
• 260.5 ppm/15 L	X	
• 390.8 ppm/15 L	X	
• 65.1 ppm/34 L	X	
• 115 ppm/34 L	X	
• 130.3 ppm/34 L	X	
• 195.4 ppm/34 L	X	
• 208.4 ppm/34 L	X	
• 230 ppm/34 L	X	
• 260.5 ppm/34 L	X	
• 390.8 ppm/34 L	X	
• 260.5 ppm/58 L	X	
• 115 ppm/105 L	X	
• 230 ppm/105 L	X	
• 260.5 ppm/105 L	X	
• 260.5 ppm/116 L	X	
• 260.5 ppm/537 L	X	
3. Alcohol Countermeasure Systems, Toronto, Ontario, Canada		
• Alcosim		X
4. CMI, Inc., Owensboro, KY		
• Toxitest II		X
5. Guth Laboratories, Inc., Harrisburg, PA		
• Model 34C Simulator		X
(variations: Model 34C Cal DOJ, 34-C-FM, and 34C-NPAS)		X
• Model 3412		X
• Model 10-4 and 10-4D		X
• Model 10-4D Revision A		X
• Model 1214		X
• Model 2100 (formerly Model 210021)		X
• Model 2100 Revision A		X
• 590		X
• 12V500		X
6. ILMO Specialty Gas Products, Jacksonville, IL Ethanol in Nitrogen Standards		
• 104 ppm/34 L	X	
• 208 ppm/34 L	X	
• 223 ppm/34 L	X	
• 260 ppm/34 L	X	
• 52 ppm/67 L	X	
• 103.5 ppm/67 L	X	
• 209 ppm/67 L	X	

<sup>2</sup> Infra-red (IR) and fuel cell breath testers may be calibrated with either wet-bath or dry-gas CUs.

However, it is inadvisable to use dry-gas CUs when calibrating gas chromatograph EBTs.

## CONFORMING PRODUCTS LIST OF CALIBRATING UNITS FOR BREATH ALCOHOL TESTERS—Continued

Manufacturers/Name of units	Type of device	
	Dry gas	Wet bath
• 260 ppm/67 L .....	X	.....
• 103.5 ppm/105 L .....	X	.....
• 208 ppm/105 L .....	X	.....
• 223 ppm/105 L .....	X	.....
• 260 ppm/105 L .....	X	.....
• 273 ppm/105 L .....	X	.....
• 52 ppm/108 L .....	X	.....
• 209 ppm/108 L .....	X	.....
• 103.5 ppm/110 L .....	X	.....
• 208 ppm/110 L .....	X	.....
• 223 ppm/110 L .....	X	.....
• 260 ppm/110 L .....	X	.....
7. Lion Laboratories, Cardiff, Wales, UK (a subsidiary of CMI, Inc.)		
• AlcoCal Breath Alcohol Standard .....	X	.....
8. Liquid Technology Corp., Orlando, FL		
• Ethanol-in-Nitrogen Standards 104.3 to 219 ppm/105 L .....	X	.....
9. National Draeger, Inc., Durango, CO		
• Mark II—A Simulator* (formerly Smith & Wesson) .....		X
• Alcotest CU 34 .....		X
10. RepCo Marketing, Inc., Raleigh, NC		
• AS-1 .....		X
• Model 3402C .....		X
• Model 3402C-2K .....		X
• 3402C-Tandem .....		X

\* (This instrument met the Model Specifications in 49 FR 48864 (December 14, 1984), i.e. tested at 0.050, 0.100, and 0.150). Instruments not marked with an asterisk meet the Model Specifications in 72 FR 32742 (June 25, 2007), tested at 0.020, 0.040, 0.080, and 0.160 BrAC.

Authority: 23 U.S.C. 403; 49 CFR 1.50; 49 CFR part 501.

Issued on: October 17, 2012.

Jeff Michael,

Associate Administrator, Research and Program Development, National Highway Traffic Safety Administration.

(FR Doc. 2012-25915 Filed 10-19-12; 8:45 am)

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2012-0170, Notice No. 12-7]

### Safety Advisory: Unauthorized Marking of Compressed Gas Cylinders

AGENCY: Pipeline and hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Safety Advisory Notice.

**SUMMARY:** PHMSA is issuing this safety advisory to notify the public of the unauthorized marking of high pressure compressed gas cylinders by George Welding & Supply Co., Inc. located at 205 Tombs Lane, Montoursville, PA.

**FOR FURTHER INFORMATION CONTACT:** Mitchell Brown, Hazardous Materials Investigator, Eastern Region, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety

Administration, U.S. Department of Transportation, 820 Bear Tavern Road, Suite 306, West Trenton, NJ 08034. Telephone: (609) 989-2256, Fax: (609) 989-2277 or, via email: [mitchell.brown@dot.gov](mailto:mitchell.brown@dot.gov).

#### SUPPLEMENTARY INFORMATION:

Investigators from PHMSA's Office of Hazardous Materials Safety (OHMS) recently conducted a compliance inspection of George Welding & Supply Co., Inc. As a result of that inspection, PHMSA has determined that George Welding & Supply Co., Inc. marked an unknown number of high pressure compressed gas cylinders with unauthorized Regulator Identification Numbers (RIN). In addition, the evidence suggests that George Welding & Supply Co., Inc. marked and certified an unknown number of high pressure compressed gas cylinders as being properly requalified in accordance with the Hazardous Materials Regulations (HMR) when it had not conducted the testing prescribed by the HMR. PHMSA has no record that George Welding & Supply Co., Inc. was ever approved to requalify DOT-specification cylinders or mark such cylinders as being requalified.

The evidence suggests that George Welding & Supply Co., Inc. used RINs that were issued by PHMSA to other companies authorizing cylinder requalification. The companies whose

RINs were used without authorization are: C171—Proshield Fire Protection, Waterloo, IA; C004—Swartz Fire & Safety Equipment Co., Inc., Bellefonte, PA; C411—Advanced Fire Protection Services, Inc., Ft. Walton Beach, FL; C951—Peifer's Fire Protection, Inc., Pillow, PA; D477—NASCO, Colorado Springs, CO; D575—Sea Sports, Inc., Hyannis, MA; D576—Chenango Welding Supply, LLC; A101—Airgas North Central, Waterloo, IA; and D322—Allstate Fire Equipment Co. Each of the previously indicated companies with an authorized RIN has been granted authority to requalify cylinders under the terms of the RIN supplied to them. Thus, if cylinders were serviced by the aforementioned companies, they are not subject to this notice. Only cylinders serviced by George Welding & Supply Co., Inc. bearing these markings are affected.

A cylinder requalification consisting of a visual inspection and a hydrostatic test, conducted as prescribed in the HMR, is used to verify the structural integrity of a cylinder. If the requalification is not performed in accordance with the HMR, a cylinder with compromised structural integrity may be inadvertently returned to service when it should be condemned. Extensive property damage, serious personal injury, or death could result from rupture of a cylinder.



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**



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DOT HS 811 859

November 2013

# **Model Guideline for State Ignition Interlock Programs**



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## **Introduction**

There is strong scientific evidence from several countries that show alcohol ignition interlocks, while in use, are effective tools to reduce drunk driving among both first and repeat offenders.<sup>1 2</sup> For this reason, the development and implementation of a breath alcohol ignition interlock program is an essential component of a comprehensive highway safety impaired driving program in each State.

Each State has its own impaired driving laws which influence the delivery of impaired driving programs and policies. While almost all States have an ignition interlock program, they are each unique and at different stages of development. States vary in terms of the agencies involved in the delivery of interlock programs, their structures, authority, and operational practices.

Throughout this guideline, the term ignition interlock refers to breath alcohol ignition interlock devices. Ignition interlock manufacturer refers to the business entity that produces ignition interlock devices. An ignition interlock vendor refers to the business entity which distributes ignition interlocks in a State or jurisdiction. The ignition interlock service center refers to the physical structure where interlocks are installed, serviced, and removed. A technician refers to the individual who performs the installation, servicing, and removal of the ignition interlock. Driving while impaired (DWI) offenders refer to individuals who have been convicted of DWI and are required to have an ignition interlock installed in their vehicle.

## **Model Guidelines**

An ignition interlock device is a tool that separates drinking from driving and allows impaired driving offenders to maintain conditional driving privileges and/or participate in various court programs.<sup>3</sup> The purpose of an alcohol ignition interlock device is to prevent drivers, who have consumed alcohol, from operating a motor vehicle if their breath alcohol concentration (BrAC) exceeds a set point (typically .020). Drivers must provide a breath sample by blowing into the ignition interlock device and if the driver's BrAC is over the set point, the vehicle will not start.

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<sup>1</sup>EMT Group 1990; Popkin et al., 1992; Morse & Elliot, 1992; Jones, 1993; Tippetts & Voas, 1997; Weinrath, 1997; Beirness et al., 1998; Coben & Larkin, 1999; Vezina, 2002; Voas & Marques, 2003; Tashima & Masten, 2004; Willis et al., 2005.

<sup>2</sup> EMT Group, 1990; Morse & Elliot, 1992; Tippetts & Voas, 1998; Voas et al., 1999; Voas et al., 2005; Marques et al., 2010; McCartt et al., 2012.

<sup>3</sup>For the purposes of this publication the terms DUI (driving under the influence), DWI (driving while intoxicated or impaired) and OUI (operating under the influence) are considered interchangeable.

State ignition interlock programs include partners in law enforcement, State highway safety offices, prosecutors, judiciary, driver licensing agencies, probation, manufacturers, and treatment. Ignition interlock programs can be delivered in three different ways: through the judiciary within the criminal justice system, administratively within the driver licensing system, or using a hybrid approach that incorporates both judicial and administrative driver licensing elements. Regardless of the approach to ignition interlock program delivery that is used in each State, there are some key program features that are essential to strengthen program delivery and that should be pursued in every jurisdiction.

The criminal justice community is well-positioned to use ignition interlocks to monitor the driving behavior of DWI offenders as a condition of pre-trial release, sentencing, or probation supervision. State driver licensing agencies can also use ignition interlocks as a condition of driving privileges during a period of license suspension or as a condition of license reinstatement. A hybrid approach involves the use of ignition interlocks under a range of conditions such as those identified above and the specific use in each case is typically based on the status of the DWI offender.

Regardless of the approach to ignition interlock program delivery that is utilized in each State, there are several key program features that are essential to strengthen ignition interlock program delivery. Jurisdictions should integrate into their existing State structures and practices, program features to maximize effectiveness. These include legislation, education, program administration, and criminal and administrative sanctions. Practical strategies to help improve new or existing ignition interlock programs in each of these areas are described below and should be considered by all jurisdictions.

### **Legislation**

To strengthen State alcohol ignition interlock programs and help ensure that all eligible DWI offenders who are mandated or have the option to participate in the State ignition interlock program become participants in a program, States should consider the following legislative actions:

Designate an agency with clear authority and responsibility for management of the ignition interlock program, including establishing program regulations and administrative procedures and oversight of ignition interlock vendors and service centers.

Require ignition interlocks for all individuals convicted of or having their driving privileges suspended for alcohol-impaired driving including first time DWI offenders as a condition of license reinstatement.

Eliminate or minimize eligibility requirements that prevent DWI offenders from being able to participate in the ignition interlock program.

Eliminate options that allow offenders to avoid participation in the ignition interlock program.

Establish the minimum length of time which offenders convicted of DWI must use an ignition interlock device.

Ensure compliance with Federal statute at 23 U.S.C. § 164 (Repeat Intoxicated Driver Law) and implementing regulation at 23 CFR Part 1275. Section 164 encourages States to enact and enforce repeat intoxicated driver laws that meet minimum Federal standards. In order to avoid a transfer of highway funds, State repeat intoxicated driver laws must meet certain criteria and minimum penalties. The mandatory license suspension criterion that State laws must meet requires that all repeat intoxicated drivers shall either use an ignition interlock for not less than one year or require a one-year hard license suspension to be compliant.

### **Education**

All members of driver licensing agencies and the criminal justice community, including law enforcement, prosecutors, judiciary, probation and those involved in treatment, should be provided with ongoing educational opportunities to increase knowledge and awareness about the requirements of the ignition interlock law and associated regulations. Educational strategies should include:

An introduction to ignition interlock devices and the State program that describes State laws and regulations, licensing restrictions, how ignition interlocks function, the benefits of ignition interlocks, the relevant ways that interlocks can be applied (e.g., as a condition of bond and probation, as a condition of reinstatement), administrative rules of the ignition interlock program, specific data to be collected and reported for the purposes of offender monitoring and program management, and consequences for failure to participate in the ignition interlock program as well as violations of the ignition interlock program.

Tailoring educational activities to the needs of the professionals in attendance.

Considering, as a condition of ignition interlock device certification, requiring manufacturers to provide this type of training on an as needed basis and at no cost to the State.

All ignition interlock users should be provided training about the ignition interlock program and use of the ignition interlock device.

Establish procedures to ensure vendors train users of their ignition interlock devices in the following:

- How the ignition interlock device works,
- Program violations and sanctions,
- Reporting and service requirements, and
- Who to contact for further information.

### **Program Administration**

Administrative rules and regulations are an essential component of ignition interlock programs to ensure the integrity of the program and protect the State from liability. States should develop program rules and regulations that clarify important administrative and technical features, procedures and practices associated with the ignition interlock program and that designate responsibility for its various operations. Adequate resources are essential to ensure that administrative rules and regulations are properly implemented. The ignition interlock program authority in the State should:

Establish administrative rules and regulations in cooperation with stakeholders and other agencies involved in the delivery and use of ignition interlocks governing the State ignition interlock program.

Ensure that there is access to ignition interlock devices and services to all residents of the State including those in rural areas.

Establish objective criteria that incorporate multiple measures to be used to determine a DWI offender's financial status and ability to pay the fees associated with the use of an ignition interlock device.

Create strategies to ensure the program is self-sustaining and does not rely on State funds in the long-term. Costs, where possible, should be supported by fees collected from DWI offenders, ignition interlock vendors, and other non-State sources who conduct business in the State.

Establish procedures to ensure program participants receive a restricted driving license as early as possible and that the license clearly indicates the driver is restricted to driving only vehicles with ignition interlocks.

Establish procedures for monitoring of offenders. They may include procedures to ensure that the vehicle with the installed ignition interlock is being driven (e.g., tracking vehicle mileage and number of attempted starts) and requirements for reporting to a service center for device maintenance, inspection of the device and/or download of data to be forwarded to the program authority for review.

Define program violations (e.g., high-BAC tests, missed retests) and/or specify events (unauthorized removal) each reporting entity must report. Specify the form and format of the report, identify to whom the reports should be sent and establish a time frame for reporting

Violations of the ignition interlock program may include:

- failure to install an ignition interlock device;
- tampering with the device;
- circumventing the device;
- failure to bring the ignition interlock in for required service;
- failure to take or pass a re-test;
- failing a breath test;
- use of emergency override feature without justification; and
- unauthorized removal.

Establish the States response to reported violations. Response might include extending the time an interlock is required, more frequent visits to a service center or others.

Specify the options settings to be utilized in the ignition interlock devices installed in the State. Clearly define the parameters for these options settings. Examples include: alcohol set point values (both at startup and re-tests), re-test time intervals, free restart time, and others.

Determine how ignition interlock devices should respond to violation(s).

Apply appropriate consequences and graduated sanctions when offenders do not comply with program requirements. Sanctions may include: increased monitoring such as having a camera installed, more frequent service center

visits, or an extension of time required to drive a vehicle with an ignition interlock.

Use positive reinforcements when offenders do demonstrate compliance. Reinforcements may include a letter of acknowledgement noting the offender's success in the ignition interlock program.

Use performance-based exit requirements which require offenders to remain in the program with the ignition interlock device installed until they are able to complete a specified amount of time without a violation.

### **Ignition Interlock Devices**

There are many models of ignition interlocks that are available for use in State programs. To ensure the use of accurate and reliable devices and to minimize the presence of false positive alcohol readings, States should:

- Establish a process to approve ignition interlock devices for use in the State.

- Require all ignition interlock devices in use in the State meet or exceed the current National Highway Traffic Safety Administration Model Specifications for Breath Alcohol Ignition Interlock Devices (Model Specifications).

- Require ignition interlock manufacturers to provide written verification that the ignition interlock device model for which certification is being sought complies with all applicable State standards, including written documentation, current within 5 years, from either a certified testing laboratory or NHTSA's testing lab that the ignition interlock model for which certification is sought meets or exceeds the current NHTSA model specifications.

- Create procedures to track and evaluate the use of new technological features of ignition interlock devices (e.g., camera, real-time reporting, global positioning systems) to determine their acceptability for use in the State.

- Require that any proposed modifications to approved/certified ignition interlock devices are reported to the State in writing. The modified ignition interlock devices should be tested if the modification could affect the devices performance and approved by the State before they are made available for use.

### **Vendors and Service Providers**

Ignition interlock vendors and service providers play a key role in the success of a State ignition interlock program. To ensure that ignition interlock vendors provide program users with a high quality program, States should:

Create a vendor oversight plan that specifies a State agency that has the authority and resources to implement the plan including approval, monitoring, de-certification, site inspections and quality assurance, and training of ignition interlock vendors.

Establish a process through which vendor violations of administrative rules or regulations are tracked, reported, monitored and handled as appropriate.

Create clear and specific operational definitions such as violation and lock-out related to the ignition interlock program for all vendors to use.

Establish and enforce standards for annual licensing and operation of ignition interlock providers operating in each State. These should include:

- provision of coverage,
- installation technician training,
- installation technician criminal history and driver license checks,
- collection, retention, use and release of collected data,
- training of interlock user,
- vendor administered oversight system,
- compliance inspection program (annual and unannounced),
- Quality Assurance Plan submitted by the manufacturer outlining the device calibration process, procedures, equipment and standards, and
- sanctions and/or remediation protocol for non-compliance by manufacturers, vendors, service centers or technicians.

### **Ignition Interlock Data**

Data collected by ignition interlock devices can provide valuable information to all agencies involved in the State program ranging from those assigned to monitoring offenders to those responsible for evaluating the program. Working with other agencies involved in the ignition interlock program, the program administrator should:

Evaluate your State's open records laws and clearly establish data ownership. Identify and specify data that must be collected and reported, the



reporting format, and terminology to be used. Ensure redundant data storage and establish a time frame for data retention.

Define the roles and responsibilities of all agencies involved in the ignition interlock program that use or store data produced from the devices.

Link the ignition interlock data system to other State data systems such as arrest, driver license agencies, court, probation, and treatment systems, to allow the seamless tracking of offenders ordered to use ignition interlocks.

Create a data management plan to handle privacy concerns.

Require that manufacturers provide training and login credentials to designated State officials to access their online database and/or reporting system.

Establish procedures to provide driver's license agents, probation officers and treatment professionals with data on ignition interlock use that will assist them in monitoring an offender's performance.

Specify procedures for ignition interlock vendors to notify the State if changes in data collection software may affect linkage to State data systems.

Analyze data to evaluate and improve program implementation and delivery.

### **Driver Licensing**

Driver licensing authorities play a crucial role in the delivery of ignition interlock programs. DWI offenders required to install an ignition interlock whether through an administrative or judicial program are restricted to only drive vehicles with an ignition interlock installed. States should consider the following actions related to driver licensing and interlocks:

Record ignition interlock restrictions on the driving record and track the progress of the DWI offender.

Clearly mark the ignition interlock restriction on the driver's license so it is easily recognized.

Establish procedures to notify offenders of their need to obtain a restricted driver's license, and the process to apply for such a license. Upon completion States should also notify offenders that they are eligible to obtain an unrestricted license and the process to do so.

Communicate with courts, offenders, and the ignition interlock provider, as appropriate, in relation to any extensions to the ignition interlock period to ensure all parties are aware of revised program completion dates.

Establish reciprocity with other States to ensure that DWI offenders are able to complete the requirements of the ignition interlock program regardless of their State of residence.

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